

September 23, 1993

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-104**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and
Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. Changes in GSA's centralized household goods traffic management program have placed greater emphasis on the quality of carrier service, including carrier performance ratings and cost comparison rankings based primarily on quality of performance. This change provides for carrier service evaluation by both the relocating employee and the Government bill of lading (GBL) issuing officer and updates the current provisions with respect to the use of that information.

4. Explanation of changes.

a. Section 101-40.203 is retitled to eliminate the word "evaluation".

b. Section 101-40.205 is revised to add the GBL issuing officer to the evaluation process and to reflect updated procedures for using that information.

Julia M. Stasch
Acting Administrator

FILING INSTRUCTIONS

Remove pages

4003-4004
4004.1-4004.2

Insert Pages

Same
Same

(Published in the Federal Register October 19, 1993, 58 FR 53889)

Attachment

September 14, 1993

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-103**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective 30 days after publication in the FEDERAL REGISTER, except where there is an exclusive representative for an agency's employees, the agency shall meet its labor relations obligations and upon meeting those obligations this rule shall become effective as to that agency.

3. Background.

a. The General Services Administration (GSA) Interagency Fleet Management System (IFMS) has reviewed the issue of tobacco use in Government-owned or -leased motor vehicles and, as a result of this review, is prohibiting the use of tobacco products in GSA IFMS vehicles. GSA is taking this action because of the potential health hazards associated with the use of tobacco products and the negative residual effects of tobacco use on IFMS vehicles.

b. The GSA IFMS has received many requests for clarification of the utilization guidelines used to justify full-time vehicle assignments. The IFMS has expanded its utilization guidelines to include the number of days used, agency mission, and the cost of alternatives to full-time vehicle assignment.

4. Explanation of changes.

a. A new § 101-39.300(d) is added to prohibit the use of tobacco products in all GSA IFMS motor vehicles and to specifically require user agencies to pay for the cost of cleaning and repairing vehicles with tobacco odors, residue, or damage if an agency violates the prohibition and there is resulting damage to the vehicle.

b. Section 101-39.300(d) is redesignated as § 101-39.300(e).

c. Section 101-39.301 is amended to reflect additional utilization guidelines used in justifying full-time vehicle assignment.

ROGER W. JOHNSON
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

3911-3913

Insert Pages

Same

July 13, 1993

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-102**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. This amendment revises the effective date of rate tenders filled under the centralized household goods program and updates the organizational references.

4. Explanation of changes.

a. All references to "6FBT" in §§ 101-40.202 and 101-40.203-1 are revised to read "6FBX".

b. Section 101-40.202 is revised to reflect the correct name of the office to contact for additional information.

c. Section 101-40.203-1 is revised to amend the effective date of rate tenders filed under the centralized household goods program from "May 1" to "October 1".

RICHARD G. AUSTIN
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

4003-4004

Insert Pages

Same

(Published in the Federal Register September, 1993, 58 FR 48972)

Attachment

June 18, 1993

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-101**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.
2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.
3. Background. OMB Circular A-126, Improving the Management and Use of Government Aircraft, was revised on May 22, 1992. OMB Bulletin No. 93-11, Subject: Fiscal Responsibility and Reducing Perquisites, was issued on April 19, 1993. These documents (a) revised policies and procedures for the use and approval of Government aircraft, and (b) established reporting and reimbursement requirements for non-mission travel by senior Federal officials.
4. Explanation of change. Subpart 101-37.4 is retitled and revised to incorporate the new provisions of OMB Circular A-126, dated May 22, 1992, concerning the documentation, approval, and use of Government aircraft.

JULIA M. STASCH
Acting Administrator

FILING INSTRUCTIONS

Remove pages

Table of Contents i-ii
3711

Insert Pages

Same
3711-3712
3712.1-3712.2
3712.3-3712.4

(Published in the Federal Register October 18, 1993, 58 FR 53660)

November 2, 1992

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-100**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor
Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.
2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.
3. Background. On December 31, 1991, the Commandant of the Marine Corps requested that license plate code MC be approved for use on license plates assigned to the Marine Corps commercial motor vehicle fleet. The General Services Administration approved this request on March 27, 1992.
4. Explanation of change. Section 101-38.202-4 is revised to include the new license plate code of MC for the Marine Corps.

RICHARD G. AUSTIN
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

3815-3818

Insert Pages

Same

3818.1

(Published in the Federal Register December 18, 1992, 57 FR 60132)

October 5, 1992

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-99

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor
Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. In October 1987, a reorganization within the Department of Health and Human Services (HHS) transferred control of St. Elizabeth's Hospital to the District of Columbia. The unlimited exemption from the requirement to display Government identification and Government license plates on motor vehicles previously granted to St. Elizabeth's Hospital under HHS will now be granted under the District of Columbia.

b. The Department of the Interior (DOI), U.S. Park Police investigates crimes against public lands in coordination with the DOI Bureau of Land Management. The Bureau of Land Management has an unlimited exemption from the requirement to display Government identification while the U.S. Park Police must certify, on an annual basis, the need not to display Government identification. Accordingly, DOI has requested that the National Park Service be added as an organization having an unlimited exemption from the requirement to display the legend "For Official Use Only", agency identification, and U.S. Government license plates.

c. Because of reorganizations within the Department of Labor (DOL), the Labor-Management Services Administration was renamed the Office of Labor-Management Standards. As a result, the unlimited exemption from the requirement to display Government identification for DOL's Labor-Management Services Administration is incorrect and should be changed to reflect the correct office designation.

(Published in the Federal Register November 9, 1992, 57 FR 53281)

Attachment

d. The Department of Veterans Affairs (VA), Office of the Inspector General, certifies on an annual basis the need not to display Government identification under the provisions of § 101-38.200(f). The VA has requested an unlimited exemption from the requirement to display Government identification for vehicles assigned to the Office of the Inspector General used for investigative purposes.

e. Current language concerning guidelines for scheduled maintenance of Government motor vehicles does not contain a reference to leased vehicles and has separate procedures for model year 1975 and earlier vehicles. The Government currently leases vehicles which should be included within the scope of the subpart concerning scheduled maintenance. The reference to pre-1976 vehicles should be deleted since there are no specific inspection schedules for pre-1976 motor vehicles in the Federal fleet.

f. When the scheduled maintenance portion of this regulation was originally written, one of the main components of the emission systems on motor vehicles was the catalytic converter. At present, electronic or computerized components are the primary focus of most automotive emission systems. This regulation updates scheduled maintenance guidelines to expand the definition of proper maintenance to include the proper operation of electronic or computerized emission components.

g. When required by State motor vehicle administrations, Federal activities must comply with Federally-mandated motor vehicle emissions programs. The States administer these programs and, at their option, may require Federal activities to participate in them. The States may also require Federal activities to pay fees for inspections as part of these programs.

h. Federal motor vehicles authorized to display State, Commonwealth, territory, or District of Columbia license-plates are required to comply with State mechanical and emission inspection programs.

4. Explanation of changes.

a. A new § 101-38.204-1(e) is added to show St. Elizabeths Hospital as having an unlimited exemption from the requirement to display Government identification and license plates under the District of Columbia.

b. Sections 101-38.204-1(e) thru 101-38.204-1(t) are redesignated as §§ 101-38.204-1(f) thru 101-38.204-1(u).

c. Redesignated § 101-38.204-1(i) is revised to delete the reference to St. Elizabeths Hospital.

d. Redesignated § 101-38.204-1(j) is revised to add the National Park Service, U.S. Park Police and other law enforcement activities, as unlimited exemptions from the requirement to display Government identification.

e. Redesignated § 101-38.204-1(l) is revised to reflect the reorganization of the Labor-Management Services Administration into the Office of Labor-Management Standards.

f. A new § 101-38.204-1(v) is added to show the Department of Veterans Affairs, Office of the Inspector General, as having an unlimited exemption from the requirement to display Government identification.

g. Subpart 101-38.5 is revised to reflect Government-leased motor vehicles in addition to Government-owned motor vehicles.

h. Section 101-38.502(a) is revised to delete the reference to pre-1976 motor vehicles.

i. Section 101-38.502(c) is revised to add the proper operation of electronic and computerized emission components in the guidelines for proper maintenance.

j. A new § 101-38.503(a) is added to reflect compliance with State emission inspection programs.

k. A new § 101-38.503(b) is added to reflect compliance with State mechanical and emission inspection programs when Federal vehicles display State, Commonwealth, territory, or District of Columbia license plates.

l. Section 101-38.503 is redesignated as § 101-38.504.

RICHARD G. AUSTIN
Administrator of General Services

Filing Instructions

Remove pages

Table of contents ii.i-ii.ii

3813-3816.1

3817-3818

3823

Insert pages

Same

3813-3818

Same

[See page 4 for more Filing Instructions.]

Note: The following Filing Instructions corrects omissions and typographical errors from previous amendments.

Filing Instructions

Remove pages

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3923-3924
3924.1-3924.2
3925-3926
3926.1
3927-3929
3931
4005-4006
4102.19-4102.20

Insert pages

Same
Same

September 9, 1992

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-98**

To: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor
vehicles

1. Purpose. This amendment transmits changed pages to subchapter G--Aviation, Transportation, and Motor vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. OMB circular A-126 was revised May 22, 1992, to require the Administrator of General Services to establish a single coordinating office for aircraft management to improve the management of Government-owned and leased aircraft. The responsibilities of this office include: (1) coordinating the development of effectiveness measures and standards, policy recommendations, and guidance for the procurement, operation, safety, and disposal of civilian agency aircraft; (2) operating a Government-wide aircraft management information system; (3) identifying and advising agencies and OMB of opportunities to share, transfer, or dispose of under-utilized aircraft; to reduce excessive aircraft operations and maintenance costs; and to replace obsolete aircraft; (4) providing technical assistance to agencies in establishing their own automated aircraft information systems and conducting cost analyses, (5) developing generic aircraft information system standards and software, (6) reviewing proposed agency internal aircraft policies for compliance with OMB guidance and notifying OMB of any discrepancies; and (7) conducting an annual study of the variable and fixed costs of operating the different categories of government aircraft and disseminating the results for use in making the cost comparisons and reporting the trip costs.

b. GSA initiated action plans to address both GAO's concerns and OMB direction by establishing the interagency committee for Aviation Policy (ICAP) in August 1989. This committee provides a forum for developing the required aviation policy, guidance, and standards. The Regulatory Policy Subcommittee of the ICAP recommended that a requirement be developed for (1) accident and incident investigations, (2) the preparation of factual and evaluative reports, (3) the protection of certain witness statements and reports, and (4) the establishment of standards and qualifications for accident and incident investigators.

4. Explanation of changes.

a. Section 101-37.000(c) is deleted to eliminate the reference to the Federal Aviation Management Manual.

b. Section 101-37.1100 is retitled and revised to include accident and incident investigation procedures.

c. Section 101-37.1101 is revised to include definitions for agency aircraft, intelligence agencies, investigator-in-charge, and operating agency.

d. Section 101-37.1102 is added to establish procedures for initial notification of aircraft accidents and incidents.

Attachment

(Published in the Federal Register October 23, 1992, 57 FR 48332)

e. Section 101-37.1104 is added to establish procedures for the preservation of aircraft wreckage, cargo, mail, and records.

f. Section 101-37.1105 is retitled and amended for clarification.

g. Section 101-37.1106 is added to establish accident/incident investigating and reporting procedures.

h. Section 101-37.1107 is added to establish aircraft accident and incident investigator classifications and qualifications standards and qualification levels.

i. Section 101-37.1108 is added to establish the policies on aircraft accident/incident investigation reports.

5. Forms. The forms prescribed by this amendment can be obtained from the following address:

Transportation Management Division (FBX)
Federal Supply Service
General Services Administration
Washington, DC 20406
Telephone (703) 305-3745

6. Reports. The reports prescribed by this amendment have been cleared in accordance with FIRM 201-45.6 and assigned interagency Report control Number

RICHARD G. AUSTIN
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

Table of contents i-ii
3701
3721-3722

Insert pages

Same
Same
Same
3722.1-3722.6

March 12, 1992

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-97**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. On October 1, 1991, the Department of Defense reorganized the individual commissary systems of the U.S. Army, Navy, Marine Corps, and Air Force into the Defense Commissary Agency (DeCA). On October 8, 1991, the DeCA formally requested the assignment of a code designation for use on U.S. Government license tags in accordance with Federal Property Management Regulations 101-38.202-5. As a result, code DECA has been designated as the letter code on license plates for vehicles owned or leased by DeCA.

4. Explanation of changes.

a. Section 101-38.202-4 is revised to add the letter code of DECA for the Defense Commissary Agency.

b. Section 101-38.202-4 is amended to change the designation for the Veterans Administration to the Department of Veterans Affairs.

Administrator of General Services

FILING INSTRUCTIONS

Remove pages

3815-3816

Insert pages

Same
3816.1

Attachment

(Published in the FEDERAL REGISTER June 11, 1992, 57 FR 24760)

March 12, 1992

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-96**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. The National Highway Traffic Safety Administration (NHTSA) amended 49 CFR Part 580, Odometer Disclosure Requirements, on August 5, 1988, to implement the Truth in Mileage Act of 1986, Pub. L. 99-579. The act requires that the seller or transferor make a specific, written disclosure as to the mileage of a motor vehicle upon transfer of ownership. The act also requires that the title document be manufactured by a secure process to deter counterfeiting or alteration. On August 30, 1989, NHTSA amended 49 CFR Part 580 again to clarify responsibilities of all parties in conjunction with the disclosure of odometer mileage information and to define certain aspects of the regulation. As a result of these changes, the odometer statement on the July 1979 edition of the Standard Form (SF) 97 was not in accordance with 49 CFR Part 580, as amended. The form was redesigned to omit unneeded information, to reformat information blocks, and to include a revised odometer disclosure statement.

4. Explanation of changes.

a. The introductory text of § 101-38.701 is revised to expand the applicability of SF 97 to include independent Federal establishments and Government corporations and is renumbered as paragraph (a).

b. Sections 101-38.701(a) and (b) are revised to delete the reference to the District of Columbia and are renumbered as subparagraph (a) (1).

c. Section 101-38.701(a) (2) is added to describe alternate forms that should be used when conveying vehicles or equipment either not designed or deemed as unsafe to be operated on highways.

d. Section 101-38.701(c) is revised to provide instructions on the requisitioning, storage, and issuance of the form and is renumbered as subparagraph (a) (3).

Attachment

e. Section 101-38.701(d) is revised to provide a revised description of the SF 97, to provide revised distribution instructions, and is renumbered as subparagraph (a) (4).

f. Section 101-38.701(b) is added to include text that was removed from § 101-38.701(d)

g. Section 101-38.4901-97 is revised to illustrate the April 1991 edition of SF 97, The United States Government Certificate to Obtain Title to a Vehicle.

h. Section 101-38.4901-97A is removed.

Richard G. Austin
Administrator of General Services

FILING INSTRUCTIONS

<u>Remove pages</u>	<u>Insert pages</u>
Table of contents ii.i-ii.i	ii.i-il.iii
3827	Same
3863-3865	Same

(Published in the FEDERAL REGISTER June 11, 1992, 57 FR 24761)

July 17, 1991

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-95**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. FPMR Amendment G-85, published May 12, 1988 (53 FR 16876), requires agencies to ensure that contractors Doing business with the Government under a cost-reimbursement contract submit paid freight bills/invoices, commercial bills of lading and supporting documentation to GSA for audit.

b. FPMR Temporary Regulation G-53 was published April 20, 1989 (54 FR 15942), to include Government Transportation Requests (GTR's) and passenger coupons as part of the submission requirement. Supplement 1 (55 FR 32626) was issued to extend the expiration date to April 20, 1991.

c. This rulemaking makes the submission of passenger coupons a permanent requirement but eliminates the submission of GTR's (as part of this rulemaking) since GTR's are forwarded routinely to GSA for audit.

4. Explanation of change. Section 101-41.807-4 is amended by revising paragraphs (a) and (b) to include the submission of passenger coupons.

RICHARD G. AUSTIN
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

Table of Contents vii-ix
4102.40.1-4102.40.2

Insert pages

Same
Same

(Published in the Federal Register August 14, 1991, 56 FR 40259)

Attachment

July 16, 1991

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-94**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. The General Services Administration (GSA) Interagency Fleet Management System (IFMS) has undergone several program and policy changes since the last complete revision of the Federal Property Management Regulations, Part 101-39 in 1986. The changes transmitted by this amendment were primarily the result of Pub. L. 99-272, Consolidated Omnibus Budget Reconciliation Act of 1985, the IFMS vehicle consolidation effort, and the general restructuring of the IFMS to provide more efficient and economical vehicle support at the lowest cost possible to the Federal Government.

4. Explanation of changes.

a. Part 101-39 is amended to reflect the distinction between fleet management systems in general and the Interagency Fleet Management System operated by GSA.

b. Section 101-39.000 is revised to include the identification of the GSA Interagency Fleet Management System.

c. Sections 101-39.100(e), 101-39.206, and 101-39.208(b) are revised to restate our policies pursuant to Pub. L. 99-272 and the GSA IFMS vehicle consolidation effort.

d. Section 101-39.100(f) is revised to include authorized contractors as users of fleet management system vehicles.

e. Sections 101-39.101 and 101-39.104-1 are amended and §§ 101-39.401(b) and 101-39.403(d) are revised to give a more understandable presentation of the material. Actual content is not changed.

f. Section 101-39.102 is amended to include vehicle use by contractors and the reference to defined mandatory and optional use service areas pertaining to the geographic area of a proposed fleet management system.

Attachment

(Published in the Federal Register November 26, 1991)

g. Section 101-39.102-1(b) is revised to include motor vehicles in the schedule of items to be transferred during consolidations.

h. Section 101-39.104-1 is amended to include mandatory use service areas of an established fleet management system.

i. Section 101-39.104-1(b)(2) is revised to reflect organizational changes which abolished Regional Comptrollers.

j. Section 101-39.105 is revised to reflect new terminology and to place more emphasis on efficiencies to be gained from the operation of a fleet management system.

k. Section 101-39.105-2(a) is revised to reflect mutually agreed to time periods as an exception for waiting 1 year to withdraw participation from a fleet management system.

l. Section 101-39.106 is amended to clarify when an agency may request fleet management services under optional use arrangements.

m. Section 101-39.107(a) and (b) are revised to exclude examples of limited exemptions and to change the term "geographical area of the fleet management system" to "defined mandatory use area of the fleet management system".

n. Subpart 101-39.2 is recaptioned to add GSA to the heading.

o. Section 101-39.201 is revised to clarify short term motor vehicle use of GSA IFMS dispatch vehicles and that of commercial rental vehicles and to add the incidental use of motor vehicles. The fueling of motor vehicles is added to services provided by the GSA IFMS.

p. Section 101-39.202 is revised to clarify the use of GSA IFMS assets by cost reimbursable and fixed priced contractors.

q. Section 101-39.203 is revised to limit short-term vehicle use to official use performed locally or within commuting distance and to identify sources of short-term use vehicles.

r. Sections 101-39.204 and 101-39.206 are revised to reflect current GSA IFMS policies for obtaining additional vehicles and new vehicle assignments.

s. Section 101-39.205 is removed and reserved because of changes in the way that GSA handles commercial leasing of motor vehicles.

t. Section 101-39.207 is revised to reflect current policies for reimbursement of services including unauthorized services, improper care and maintenance of GSA IFMS vehicles, and abuse or neglect of IFMS vehicles. Sections 301-39.207 and 101-39.307 also allow GSA to terminate vehicle assignments when agencies fail to reimburse GSA for motor vehicle services.

u. Section 101-39.208(b) is revised to reflect current GSA IFMS policies on removing vehicles from defined areas of operation and on transferring assigned vehicle between GSA fleet management centers.

v. Subpart 101-39.3 is recaptioned to add GSA to the heading.

w. Section 101-39.300(b) is revised to reflect new procedures pertaining to equipment operators permits.

x. Section 101-39.300(c) is amended to add the requirement for all vehicle occupants to have their safety belts fastened before the vehicle is put into operation.

y. Section 101-39.300(d) is revised to change the statement "refused further vehicle issuance" to "refused further authorization to use".

z. Section 101-39.301 is amended by adding the requirement that agencies be able to justify retention of vehicles not meeting the utilization guidelines enumerated in this section.

aa. Section 101-39.302 is revised to reflect current GSA Interagency Fleet Management System (IFMS) policy on rotation of motor vehicles.

bb. Section 101-39.306 is amended to delete references to illustrations of forms.

cc. Section 101-39.307 is revised to include contractor use of GSA IFMS vehicles and to expand on the conditions in which GSA may withdraw the vehicle from the using agency or its contractor.

dd. Section 101-39.400 is revised to include contractor operation of GSA Interagency Fleet Management System Vehicles.

ee. Section 101-39.401 is amended to state that a facsimile machine can be used to report vehicle accidents. The reference to using a telegraph for this purpose is deleted. Section 101-39.401 is also amended to reflect current references concerning illustrations of forms in Subpart 101-39.49.

ff. Section 101-39.402 is revised to indicate that the appropriate agency official(s) will be notified of recommendations for disciplinary action instead of the head of the agency.

gg. Section 101-39.403(c) is revised to provide the GSA Interagency Fleet Management System (IFMS) the option of conducting investigations of motor vehicle accidents involving GSA IFMS vehicles and to delete the references to illustrations of forms.

hh. Section 101-39.404 is revised to reflect current procedures for processing of paperwork on accidents involving claims in favor of the Government.

ii. Section 101-39.406 is revised to clarify GSA IFMS billing policies for accidents, abuse, neglect of IFMS vehicles.

jj. Subpart 101-39.49 is revised by changing the caption to read "Forms" and to omit all illustrations of forms from the subpart.

kk. Section 101-39.4900 is revised to restate the scope of the section, omitting the reference to form illustrations.

ll. Section 101-39.4901 is revised to identify the location where standard and optional forms may be obtained.

mm. Section 101-39.4901-91 is removed.

nn. Section 101-39.4901-91-A is removed.

oo. Section 101-39.4901-94 is removed.

pp. Section 101-39.4903 is removed.

qq. Section 101-39.4903-26 is removed.

RICHARD G. AUSTIN
Administrator of General Services

Filing Instructions

<u>Remove pages</u>	<u>Insert pages</u>
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3903	3903-3904
3905-3906	Same
	3906.1
3907-3910	Same
3911	3911-3912
3913-3914	3913
3915-3917	Same
3919	Same
3921	Same

September 11, 1990

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-93

To: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and Motor
Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. Under section 201(a) of the Federal Property and Administrative Services Act of 1949 (10 U.S.C. 481(a)), as amended, the Administrator of General Services "shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and which due regard to the program activities of the agencies concerned . . . prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including transportation and traffic management . . . for the use of executive agencies of the proper discharge of their responsibilities Section 206(a) of the act. (40 U.S.C. 487(a)) authorizes the Administrator of General Services: "after adequate advance notice to the executive agencies . . . to make surveys of Government property and property management practices and obtain reports thereon from executive agencies.

b. The General Accounting office (GAO), in its June 24, 1983, report entitled "Federal civilian Agencies can Better Manage Their Aircraft and Related Services" (GAO/PLRO-83-64), indicated the need to improve the management of Government-owned and leased aircraft. Specific attention was drawn to agencies acquiring aircraft which exceed their mission requirements in both numbers and capabilities and the use of these aircraft in situations where use of commercial airlines or other commercially available services would be more cost effective. This report recommended that the General Services Administration (GSA) act as the "single coordinating activity" to develop and operate all aircraft information system too gather aircraft and facilities inventory and associated cost and utilization data for aircraft operated by or for Government agencies. The Aircraft information System (AIS) went into effect on January 11, 1985, with GSA's issuance of FPMR Temporary Regulation A-27. In addition to providing AIS policy, Temporary Regulation A-27 provided guidelines for preparation, definitions, and instructions for completion of the required report.

c. OMB Circular A-126, originally issued October 5, 1983, was revised January 18, 1989. The GMB circular stated that "reports continued to indicate the need to improve management of Government-owned and/or leased aircraft. Specific attention has been drawn to agencies failure to comply with the guidance provided in this circular and in OMB circular No. A-76, as applied to the acquisition and continued operation of aircraft. The office of Management and Budget has concluded that the Government-wide policy guidance in this area should be revised to emphasize the importance of agency compliance, improve compliance by establishing stronger linkages to the budget process and by requiring internal control reviews, remove ambiguities in the previous circular, provide aircraft cost standards, and strengthen the relationship to OMB Circular No. A-76." In September 1989, GAO issued another report which updated earlier GAO reports and testimony on Federal civilian agencies' management and use of Government air craft. This report evaluated central management actions OMB and GSA have taken to improve Governmentwide guidance, leadership, and oversight of agencies aircraft management practices and reiterated earlier recommendation for centralized administration and coordination of public aircraft.

Attachment

(Published in the Federal Register February 11, 1991, 56 FR 5356.)

4. Explanation of change. This regulation establishes within the General Services Administration the single coordinating office for Federal aircraft management, administration, aid coordination as outlined by OMB Circular A-126 which addresses aviation responsibilities including: ". . (1) coordinating the development of effectiveness measures and standards, policy recommendations, and guidance for the procurement, operation, safety, and disposal of civilian agency aircraft; (2) operating a Governmentwide aircraft management information system; (3) identifying and advising agencies and OMB of opportunities to share, transfer, or dispose of underutilized aircraft; to reduce excessive aircraft operations and maintenance costs; and to replace obsolete aircraft; and (4) providing technical assistance to agencies in establishing their own automated aircraft information systems and conducting the cost analyses required by OMB Circular A-126.

5. Forms. The forms prescribed by this amendment can be obtained from the following address:

Transportation Management Division (FBX)
Federal Supply Service
General Services Administration
Washington, DC 20406
Telephone (703)557-3745

6. Reports. The reports prescribed by this amendment have been cleared in accordance with FIRM 201-45.6 and assigned Interagency Report control Number 0322-GSA-AN.

7. Effect on other directives. FPMR Temporary Regulation A-27, revision 1, and supplement 1 thereto are cancelled.

RICHARD G. AUSTIN
Administrator of General Services

FILING INSTRUCTIONS

Remove pages

Table of Contents i-ii
Table of Contents ii.i
Table of Contents ii.iii

Insert pages

Same
Table of Contents ii.i-ii.ii
3701
3703-3707
3709-3711
3713-3717
3719
3721-3723
3725

October 16, 1989

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-92

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. This amendment updates certain references which have become outdated due to an organizational change, an office relocation, a reissued temporary regulation by the GSA Office of Real Property Development (Real Estate Division), the codification of the Federal Travel Regulation under 41 CFR Chapters 301 through 304, and the enactment of Pub. L. 100-565 which amended 31 U.S.C, 3721.

b. Further, this amendment clarifies the contracting requirements in arranging for local office relocation services.

4. Explanation of changes.

a. Section 101-40.001 is revised to redefine the term "GSA Central Office" pursuant to organizational changes.

b. Section 101-40.101-1 is amended by revising par. (a) to list the new address and telephone numbers of the GSA central zone office, the new telephone numbers of the GSA western zone office, and to make other minor editorial changes.

c. Section 101-40.109-2 is amended by revising the reference in par. (a) to read "FPMR Temp. Reg. D-73" instead of "FPMR Temp. Reg. D-71."

(Published in the Federal Register November 2, 1989, 54 FR 46244)

Attachment

d. Section 101-40.109-2 is amended by revising par. (b) to provide that local office relocation moves are subject to the Service Contract Act of 1965, as amended.

e. Section 101-40.202 is revised to reflect the new address of the GSA central zone office.

f. Section 101-40.203-3 is revised to reflect an editorial change and to change the reference "GSA Bulletin FPMR A-2" to read "GSA Commuted Rate Schedule."

g. Section 101-40.203-4 is amended by revising par. (a) to reflect the appropriate references to the codified Federal Travel Regulation (41 CFR Chapters 301 through 304).

h. Section 101-40.207 is amended by revising par. (b) to reflect certain editorial changes and to increase, from \$25,000 to \$40,000, the amount Government employees may claim against the United States pursuant to 31 U.S.C. 3721 (Military Personnel and Civilian Employees' Claims Act of 1964, as amended by Pub. L. 100-565, October 31, 1988).

RICHARD G. AUSTIN
Acting Administrator of General Services

FILING INSTRUCTIONS

<u>Remove pages</u>	<u>Insert pages</u>
4001-4002	Same
4002.1-4002.3	Same
	4002.4
4003-4004	Same
4004.1-4004.2	Same

July 10, 1989

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-91**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. Executive Orders 11912 and 12375 require the General Services Administration (GSA) to administer a consolidated plan for the acquisition of fuel efficient passenger automobiles and light trucks acquired by executive agencies. GSA currently requires agencies to submit acquisition forecasts for vehicles purchased or leased for 60 days or more as the basis for this plan. GSA has determined that the preparation of this forecast places an undue administrative burden on agencies. Accordingly, the requirement to submit a forecast of proposed vehicle needs is rescinded.

b. Federal agencies requisition passenger vehicles and trucks through the GSA Automotive Commodity Center using Federal specifications. Sedans and station wagons, 4X2 light trucks, and 4X4 light trucks also have Federal standards 122, 307, and 292, respectively, which facilitate the ordering of these vehicles. The GSA Automotive Commodity Center has recently issued Federal standard 794 to facilitate the ordering of medium trucks.

c. Comptroller General decisions (e.g. Dec. No. B-107081, January 2, 1952) state that fines imposed by State and local courts on operators of Government-owned or -leased motor vehicles are imposed on the motor vehicle operator personally. Payment of these fines is the personal responsibility of the motor vehicle operator.

d. Many States have raised their maximum speed limits from 55 mph to 65 mph for certain portions of the Interstate Highway System. Except when the scope of their employment dictates otherwise, operators of Government motor vehicles shall obey posted speed limits.

(Published in the Federal Register July 25, 1989)

Attachment

4. Explanation of changes.

a. Sections 101-38.101-3 and 101-38.102 are amended to delete the requirement for agencies to submit forecasts of anticipated vehicle requirements. Agencies will continue to submit their actual vehicle leases and actual purchases of vehicles not procured through the GSA Automotive Commodity Center to GSA, ATTN: FBF, Washington, DC 20406.

b. Section 101-38.101-3 is further amended to include fleet average fuel economy standards for the years 1989 through 1991.

c. Sections 101-38.104-1, 101-38.104-3, 101-38.104-4, and 101-38.104-6 are amended to include the use of Federal standard 794 when requisitioning medium trucks through the GSA Automotive Commodity Center. Information on the volume consolidated purchase program is revised to be consistent with section 101-26.501.

d. Section 101-38.301-3 is added to clarify responsibility for violation of State and local motor vehicle traffic laws. This section also instructs Federal motor vehicle operators to obey posted speed limits at all times.

RICHARD G. AUSTIN
Acting Administrator of General Services

March 27, 1989

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-90**

TO: Heads of Federal agencies

SUBJECT: Changes to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. This regulation amends transportation documentation and audit regulations (41 CFR 101-41) to provide for the use of Electronic Data Interchange (EDI) as an alternative to paper transactions (Standard Form (SF) 1103, Public Voucher for transportation charges, SF 1203, U.S. Government Bill of Lading-Privately Owned Personal Property, and SF 1169, U.S. Government Transportation Request)) to purchase transportation services for the account of the United States.

4. Explanation of changes.

a. The table of contents for part 101-41 is amended by adding Sections 101-41.006, 101-41.007, and 101-41.104.

b. Section 101-41.002 is amended by adding paragraphs (c) and (d).

c. Section 101-41.006 is added defining standards for EDI records.

d. Section 101-41.007 is added specifying safeguards as a precondition to use of EDI procedures.

e. Section 101-41.104 is added providing EDI standards and requiring advance coordination with GSA.

RICHARD G. AUSTIN
Acting Administrator of General Services

(Published in the Federal Register April 20, 1989.)

Attachment

Filing Instructions

Remove pages

Table of Contents v-vi

4101-4102

Insert pages

Same

Same

4102.1-4102.ii

Special note: This FPMR Amendment which transmits changes to Subchapter G contains a format change to the loose leaf version of the FPMR. All FPMR changes which were initiated after June 1, 1988, will be issued in single-column format. This change from the double-column format to the single-column format will be accomplished as each new change is initiated. Therefore, the looseleaf edition of the FPMR will contain both the double-column and single-column format pages until all the double-column pages have been amended.

March 23, 1989

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-89**

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.
2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.
3. Background. With the increasing popularity of certain types of portable accessory equipment on the market, the General Services Administration (GSA) is clarifying its policy on the procedures for installing such equipment on Interagency Fleet Management System (IFMS) vehicles. In some isolated instances, agencies or agency personnel have installed accessory equipment which is either illegal or gives the appearance of impropriety (e.g., radar detectors) on IFMS vehicles.
4. Explanation of changes. Section 101-39.304 is revised to clarify GSA's policy to project appearances consistent with the performance of official Government duties. Changes reflect additional criteria for approval of vehicle modifications and the addition of accessory equipment to GSA Interagency Fleet Management System vehicles.

RICHARD G. AUSTIN
Acting Administrator of General Services

(Published in the Federal Register April 19, 1989.)

Attachment

FILING INSTRUCTIONS

Remove pages

Insert pages

3913-3914

Same

Special note: This Amendment, G-89, which transmits a change to Subchapter A contains a format change to the looseleaf version of the FPMR. All FPMR changes which were initiated after June 1, 1988, will be issued in single-column format. This change from the double-column format to the single-column format will be accomplished as each new change is initiated. Therefore, the looseleaf edition of the FPMR will contain both the double-column and single-column format pages until all the double-column pages have been amended.

March 16, 1989

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-88

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background. A notice of proposed rulemaking (NPRM) reformatting Standard Form (SF) 1170 into (a) sets of three on marginally punched paper, and (b) an electronic data processing (EDP) format was published in the FEDERAL REGISTER of June 1, 1988 (53 FR 19946), inviting comments for 30 days ending July 1, 1988. The GSA received no comments to the NPRM.

4. Explanation of changes.

a. The table of contents for Part 101-41 is amended by adding section 101-41.4901-1170-EDP.

b. Section 101-41.202 is amended by adding paragraph (h) to list SF 1170-EDP (computer-generated)

c. Section 101-41.202-2 is revised by describing the SF 1170 and SF 1170-EDP (computer-generated) format.

d. Section 101-41.202-5(a) is revised by:

(1) Removing "regional office" and adding "Federal Supply Service, Furniture Commodity Center (FCNI)";

(2) Removing "National Capital Region, regional Federal Supply Service";

(3) Adding "SF 1170-EDP, (computer-generated)" after "SF 1169 and SF 1170";
and

(4) Changing the GSA correspondence symbol from "BW" to

e. Section 101-41.4901-1170 is amended by illustrating the revised SF 1170, Redemption of Unused Tickets.

(Published in the Federal Register April 20, 1989.)

Attachment

f. Subpart 101-41.49--Illustrations of Forms is amended by adding section 101-41.4901-1170-EDP, Standard Form 1170-EDP (Electronic Data Processing), Redemption of Unused Tickets (computer-generated).

5. Exception to regulations. 41 CFR 201-45.510-1 provides that any exception or deviation granted to a Standard form is voided when that Standard form is revised or canceled by the promulgating agency or when the exception is altered. Agencies that wish to continue their present exception or deviation from regulations governing the SF 1170, Redemption of Unused Tickets, must refile a request for exception with GSA.

6. Availability of forms. The revised SF 1170, Redemption of Unused Tickets, may be obtained by submitting a requisition in FEDSTRIP format to GSA's Federal Supply Service, Furniture Commodity Center, Washington, DC 20406. However, the revised SF 1170 will not be available for several months. Current supplies of the SF 1170 may be used until exhausted.

RICHARD G. AUSTIN
Acting Administrator of General Services

FILING INSTRUCTIONS

Remove pages

Table of Contents ix
4102.2.1-4102.2.2

4102.50.29-4102.50.30
4102.50.30.1

Insert pages

Same
Same
4102.2.2.1
Same
Same
4102.50.30.3

Special note: This FPMR Amendment contains a format change to the looseleaf version of the FPMR. All FPMR changes initiated after June 1, 1988, are issued in single-column format. This change from the double-column format to the single-column format will be accomplished as each new change is initiated. Therefore, the loose leaf edition of the FPMR will contain both the double-column and single-column format pages until all the double-column pages have been amended.

June 16, 1988

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-87

TO: Heads of Federal agencies

SUBJECT: Changes to Subchapter G--Transportation and Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Transportation and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. Public Law 99-627, dated November 7, 1986, amended section 3726 of title 31 of the United States Code to provide the Administrator of General Services with authority to audit selected transportation bills prior to payment, and to allow the delegation of any authority conferred by section 3726 to another agency or agencies if the Administrator determined that such a delegation would be "cost-effective or otherwise in the public interest." This rulemaking amends the Federal Property Management Regulations for the purpose of implementing Pub. L. 99-627 relating to prepayment audits of selected transportation bills.

b. GSA published a proposed rule prescribing procedures, conditions, and limitations relevant to any delegation of authority to another agency for the purpose of conducting prepayment audits. The proposal was published in the FEDERAL REGISTER on December 23, 1987 (52 FR 48547), inviting comments for 60 days, ending February 22, 1988. GSA received comments from nine interested parties. Comments were adopted if appropriate.

4. Explanation of changes.

a. Section 101-41.101 is amended by:

(1) Revising the introductory text to permit but not require transportation bills to be paid prior to audit; and

(2) Revising paragraph (a) to allow the audit of selected transportation bills prior to payment and the

Attachment

delegation of prepayment audit authority to another agency or agencies.

b. Section 101-41.103 is added to prescribe procedures, conditions, and limitations relevant to the delegation of authority to perform prepayment audits of selected transportation bills.

c. Section 101-41.401 is amended by revising paragraph (a) to allow audits of transportation bills prior to payment.

d. Section 101-41.604-1 is amended by revising the introductory paragraph to enable prepayment audits of transportation bills.

e. Section 101-41.604-2 is amended by adding subparagraph (b)(7) to require audit activities to promptly acknowledge receipt of claims and to adjudicate claims within 30 days of receipt.

JOHN ALDERSON

Acting Administrator of General Services

FILING INSTRUCTIONS

Remove pages	Insert pages
Table of Contents v-viii	Same
4101-4102	Same
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4102.2.1-4102.2.2	Same
4102.2.3-4102.2.4	Same
4102.27-4102.28	Same
4102.33-4102.34	Same

CONTENTS OF SUBCHAPTER G--AVIATION, TRANSPORTATION, AND MOTOR VEHICLES

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101-37.101-3 Using agency.
101-37.101-4 Owned aircraft.
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Subpart 101-37.7 [Reserved]
Subpart 101-37.8 [Reserved]
Subpart 101-37.9 [Reserved]
Subpart 101-37.10 [Reserved]

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101-37.1106	[Reserved].

Subpart 101-37.12 [Reserved]

Subpart 101-37.13 [Reserved]

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(Amendment G-101, June 1993)

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101-38.001-5 Identification.
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FEDERAL PROPERTY MANAGEMENT REGULATIONS

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Subpart 101-38.48--Exhibits

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FEDERAL PROPERTY MANAGEMENT REGULATIONS

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101-39.000	Scope of part.
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101-41.808	Agency stations.
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Subpart 101-41.49--Illustrations of Forms

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101-41.4901-1103-A	Standard Form 1103-A, U. S. Government Bill of Lading(Memorandum Copy).
101-41.4901-1103-B	Standard Form 1103-B, U. S. Government Bill of Lading (Memorandum Copy-Consignee).
101-41.4901-1104	Standard Form 1104, U. S. Government Bill of Lading (Shipping Order).
101-41.4901-1105	Standard Form 1105, U. S. Government Freight Waybill (Original).

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101-41.4901-1109	Standard Form 1109, U. S. Government Bill of Lading Continuation Sheet (Original).
101-41.4901-1109-A	Standard Form 1109-A, U. S. Government Bill of Lading Continuation Sheet (Memorandum Copy).
101-41.4901-1109-B	Standard Form 1109-B, U. S. Government Bill of Lading Continuation Sheet (Memorandum Copy-Consignee).
101-41.4901-1110	Standard Form 1110, U. S. Government Bill of Lading Continuation Sheet (Shipping Order).
101-41.4901-1111	Standard Form 1111, U. S. Government Freight Waybill Continuation Sheet (Original).
101-41.4901-1112	Standard Form 1112, U. S. Government Freight Waybill Continuation Sheet (Carrier's Copy).
101-41.4901-1113	Standard Form 1113, Public Voucher for Transportation Charges (Original).
101-41.4901-1113-A	Standard Form 1113-A, Public Voucher for Transportation Charges (Memorandum Copy).
101-41.4901-1169	Standard Form 1169, U. S. Government Transportation Request (Original)
101-41.4901-1169-A	Standard Form 1169-A, U. S. Government Transportation Request (Memorandum Copy).
101-41.4901-1170	Standard Form 1170, Redemption of Unused Tickets.
101-41.4901-1170-1	Standard Form 1170-EDP (Electronic Data Processing), Redemption of Unused Tickets, (computer-generated).
101-41.4901-1172	[Reserved]
101-41.4901-1186	Standard Form 1186, Transmittal for Transportation Schedules and Related Basic Documents.
101-41.4901-1200	Standard Form 1200, Government Bill of Lading Correction Notice.
101-41.4901-1203	Standard Form 1203, U. S. Government Bill of Lading--Privately Owned Personal Property (Original).
101-41.4901-1203-A	Standard Form 1203-A, U. S. Government Bill of Lading--Privately Owned Personal Property (Memorandum Copy).
101-41.4901-1203-B	Standard Form 1203-B, U. S. Government Bill of Lading--Privately Owned Personal Property (Memorandum Copy-Consignee).
101-41.4901-1204	Standard Form 1204, U. S. Government Bill of Lading--Privately Owned Personal Property (Shipping Order).
101-41.4901-1205	Standard Form 1205, U. S. Government Freight Waybill--Privately Owned Personal Property (Original).
101-41.4901-1206	Standard Form 1206, U. S. Government Freight Waybill--Privately Owned Personal Property (Carrier's Copy).
101-41.4902	GSA forms.
101-41.4902-7931	GSA Form 7931, Certificate of Settlement (Original).
101-41.4902-7931-1	GSA Form 7931, Certificate of Settlement (Claimant's Notice).
101-41.4902-7931-2	GSA Form 7931, Certificate of Settlement (Claimant's Notice in Advance of Payment).
101-41.4902-7932	GSA Form 7932, Settlement Certificate.
101-41.4902-7933	GSA Form 7933, Certificate of Settlement Transmittal.

§ 101-37.000 Scope of part.

(a) The provisions of this part prescribe policies and procedures and make recommendations for executive agencies governing the efficient and effective management and utilization of Government-owned, leased, chartered and rented aircraft and related support services.

(b) Agencies are responsible for establishing clear accountability for aircraft management at a senior management level.

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101-37.101-9

§ 101-37.101 Definitions.

In Part 101-37, the following definitions apply:

§ 101-37.101-1 Head of executive agency.

Head of executive agency means the head of a department, agency, bureau, or independent establishment in the executive branch, including any wholly owned Government corporation, or an official designated in writing to act on his or her behalf.

§ 101-37.101-2 Owning agency.

Owning agency means an executive agency having accountability for Government-owned aircraft. This term applies when a Federal executive agency has authority to take possession of, assign, or reassign the aircraft regardless of which agency is the using agency.

§ 101-37.101-3 Using agency.

Using agency means an executive agency using aircraft for which it does not maintain ownership. This term applies when an agency obtains aircraft from any other Federal executive agency on a temporary basis.

§ 101-37.101-4 Owned aircraft.

Owned aircraft means aircraft registered to a department or an independent agency in conformity with the regulations of the Federal Aviation Administration of the Department of Transportation (14 CFR Chapter 1, Part 47).

§ 101-37.101-5 Bailed military aircraft.

Bailed military aircraft means Department of Defense (DOD) owned aircraft operated by a non-DOD reporting agency.

§ 101-37.101-6 Leased/lease purchase aircraft.

Leased/lease purchase aircraft means aircraft that are leased for 90 consecutive days or more by an executive agency from commercial sources and operated by an executive agency.

§ 101-37.101-7 Borrowed aircraft.

Borrowed aircraft means aircraft that are under the operational control of an executive agency but owned by another entity; i.e., state or local government, private organization, et cetera.

§ 101-37.101-8 Loaned aircraft.

Loaned aircraft means aircraft owned by a department or independent office which are on loan to a State, cooperator, or other entity.

§ 101-37.101-9 Flight log.

Flight log means the agency document for recording aircraft flight time associated flight data, and agency program management data, as required.

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§ 101-37.101-10 [Reserved]

§ 101-37.101-11 Contract aircraft.

Contract aircraft Aircraft means aircraft procured through formal contractual arrangements.

§ 101-37.101-12 Charter/rental.

Charter/rental means a nonformal procurement of an aircraft through an agreement, arrangement, or one-time charter. (Not to exceed 89 days.

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(Amendment G-93, September 1990)

§ 101-37.200 General.

The provisions of this subpart prescribe policies and procedures for accounting for aircraft costs. This subpart also prescribes provisions and procedures contained in OMB Circulars No. A-76 and No. A-126.

§ 101-37.201 Definitions.

For the purposes of this subpart, the following terms shall have the meanings set forth in this § 101-37.201.

(a) Variable costs. Variable costs are those costs in which the total dollar value varies directly with flight operations. The manufacturer addresses variable costs in operating cost estimates and can provide "generic" costs based on fleet operating history.

(b) Fixed costs. Fixed costs are those costs in which the total dollar value in a given period does not vary directly with accumulated flight hours. These costs include overhead, administration, insurance, crew, depreciation, etc. Fixed costs are supplied by the operator, are more specific than generic in nature, and vary widely from operator to operator.

§ 101-37.202 Policy.

Agencies shall maintain cost systems for their aircraft operations which will permit them to justify the use of Government aircraft in lieu of commercially available aircraft, or the use of one Government aircraft in lieu of another; recover the costs of operating Government aircraft when these aircraft are funded from a revolving fund or used to serve other agencies or non-official travelers; determine the cost effectiveness of various aspects of their aircraft program; and conduct the cost comparisons required by OMB Circular A-76 to justify in-house operation of Government aircraft versus procurement of commercially available aircraft services. To accomplish these purposes, agencies must accumulate their aircraft program cost, into the Standard Aircraft Program Cost Elements specified in § 101-37.506.

§ 101-37.203 Justify use of Government aircraft.

To Justify use of Government aircraft for administrative use (point to point transport of passengers and cargo), agencies must perform the variable cost analysis using data accumulated by Standard Aircraft Program Cost Elements (see § 101-37.304).

§ 101-37.204 Operations cost recovery methods.

Agencies must recover the costs of operating all aircraft used to serve other agencies or aircraft which are funded, in whole or in part, out of a working capital or revolving fund. Under certain circumstances, non-official travelers who are transported on Government aircraft must reimburse the agency which owns or operates the aircraft used for that transportation. Depending on the statutory authorities under which its aircraft were obtained or operated, agencies may use either of two methods for establishing the rates charged for using their aircraft, full cost recovery rate, or the variable cost recovery rate.

(a) The full cost recovery rate for an aircraft is the sum of the variable and fixed cost rates for that aircraft. The computation of the variable cost rate for an aircraft is described in § 101-37.304. Variable costs for similar make and model aircraft may be averaged for the purpose of determining the variable cost rate. The fixed cost rate for an aircraft is computed as follows:

(1) Accumulate the fixed costs listed in § 101-37.506 that are directly

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attributable to the aircraft.

(2) Add to the historical fixed costs an amount representing the annual depreciation or replacement cost.

(3) Adjust the historical fixed costs from the total of paragraphs (a) (1) and (a) (2), of this section, for inflation and for any known upcoming cost changes to project the new fixed cost total. The inflation factor used should conform to the provisions of OMB Circular No. A-11.

(4) Allocate operations and administrative overhead costs to the aircraft based on the percentage of total aircraft program flying hours attributable to that aircraft.

(5) Compute a fixed cost recovery rate for the aircraft by dividing the sum of the projected directly attributable fixed costs from paragraph (a) (3) of this section and the allocated fixed costs from paragraph (a) (4) of this section by the annual flying hours projected for the aircraft.

(b) The variable cost recovery rate is the total variable cost of operating an aircraft described in § 101-37.304 divided by the annual flight hours projected for the aircraft. If an agency decides to base the charge for using its aircraft solely on this rate, it must recover the fixed costs of those aircraft from the appropriation which supports the mission for which the procurement of the aircraft was justified. In such cases, the fixed cost recovery rate may be expressed on an annual, monthly, or flying hour basis.

§ 101-37.205 Aircraft program cost effectiveness.

Although cost data are not the only measures of the effectiveness of an agency's aircraft program, they can be useful in identifying opportunities to reduce aircraft operational costs. These opportunities might include changing maintenance practices, purchasing fuel at lower costs, and the replacement of old, inefficient aircraft with aircraft that are more fuel efficient and have lower operations and maintenance costs. The most common measures used to evaluate the cost effectiveness of various aspects of an aircraft program are expressed as the cost per flying hour (per passenger mile for certain types of aircraft costs). These measures may be developed using the Standard Aircraft Cost Program Elements (see § 101-37.506) and include, but are not limited to: maintenance costs/flying hours, fuel and other fluids cost/flying hour, accident repair costs/flying hour (or per aircraft), and variable cost/passenger mile. GSA will coordinate the development of other specific cost effectiveness measures with the appropriate interagency aircraft policy subcommittees.

(a) Maintenance costs per flying hour. Maintenance costs per flying hour identifies on an aggregate basis relative cost effectiveness of maintenance alternatives. This measure is among those necessary to identify and justify procurement of less costly aircraft.

(b) Fuel and other fluids cost per flying hour. Fuel per flying hour identifies the relative fuel efficiency of an individual aircraft. The measure identifies the requirement to replace inefficient engines or to eliminate fuel inefficient aircraft from the fleet.

(c) Crew costs-fixed-per flying hour. When based on the total fixed crew costs and flying hours, can be used to determine the impact of crew utilization on overall operating costs; can also be used to compare crew utilization and salary levels among different agency or bureau aircraft programs.

(d) Operations overhead per flying hour. Operations overhead may be used on an aggregate basis (i.e., total program flying hours) to compare the overhead activities in direct support of aircraft operations among agencies or bureaus. This factor can indicate either a lack or excess of overhead support.

(e) Administrative overhead per flying hour. Administrative overhead may be used in conjunction with operations overhead to evaluate the adequacy of overhead support to aircraft operations among different agencies or bureaus.

SUBPART 101-37.2--ACCOUNTING FOR AIRCRAFT COSTS

101-37.206

(f) Accident repair costs per flying hour (or per aircraft).
Accident repair cost may be used in conjunction with data on the causes of the accidents to identify aircraft with maintenance or design problems or problems with aircraft crew performance.

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§ 101-37.300 General.

The provisions of this subpart prescribes policies and procedures for conducting cost comparisons for the acquisition, use, or leasing of aircraft. This subpart incorporates selected provisions of OMB Circulars No. A-76, A-104, and A-126.

§ 101-37.301 Applicability.

This subpart applies to all agencies in the executive branch of the Federal Government. It does not apply to the United States Postal Service, to the government of the District of Columbia, or to non-Federal organizations receiving Federal loans, contracts, or grants.

§ 101-37.302 Definitions.

(a) Capital asset. For the purposes of this subpart, a capital asset, means any tangible property, including durable goods, equipment, buildings, facilities, installations, or land, which:

- (1) Is leased to the Federal Government for a term of 5 or more years; or
- (2) In the case of a new asset with an economic life of less than 5 years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or
- (3) Is built for the express purpose of being leased to the Federal Government; or
- (4) Clearly has no alternative commercial use; e.g., special-purpose Government installation.

(b) Useful life. Useful life means the estimated period during which the aircraft will be used.

(c) Economic life. For purposes of lease-versus-buy analysis, the economic life of an asset means the physical or productive lifetime of the asset. It begins when the asset is new and ends when it is retired from service.

§ 101-37.303 [Reserved]**§ 101-37.304 Variable Cost Analysis (OMB Circular A-126).**

An agency must compare the variable cost it will incur from using a Government aircraft to the cost of using a commercial aircraft or airline service. The variable cost of using Government aircraft is either: (a) the amount that the agency will be charged by the organization that provides the aircraft, or (b) if the agency operates its own aircraft, an operation's rate is computed for the aircraft as follows:

- (1) Accumulate or allocate to the aircraft all historical costs grouped under the variable cost category defined in § 101.37.506. These costs should be obtained from the agency's accounting system.
- (2) Add to the historical variable costs the annual self insurance cost (see § 101-37.506).
- (3) Adjust these total costs for inflation and for any known upcoming cost changes to project the new cost total. The inflation factor used should conform to the provisions of OMB Circular No. A-11.
- (4) Divide the total projected operating costs of the aircraft by the annual flying hours for the aircraft to compute the projected operating cost (per flying hour).

§ 101-37.305 In-house operations.

(a) Agencies shall review periodically the continuing need for all aircraft and cost effectiveness of aircraft operations in accordance with OMB Circular A-76.

101-37.305(b)

(b) A copy of each agency review shall be submitted to GSA when completed and to OMB with the agency's next budget submission. Agencies shall report excess and release all aircraft that are not fully justified by these review.

§ 101-37.306 Aircraft leasing.

OMB Circular No. A-104 prescribes policies and procedures to be followed by executive agencies when considering whether to use leasing in place of direct Government purchase and ownership as a means of acquiring the use of assets.

§ 101-37.307 Aircraft acquisition.

(a) Agencies must conduct cost comparisons in accordance with OMB Circular No. A-76 before purchasing any aircraft not exempt for national defense reasons. These procedures require agencies to compare alternative methods of providing needed aviation services. Agencies submitting aircraft contract, rental/charter and support services information to GSA may utilize procedures contained in Part IV, Chapter 6, of the OMB A-76 Cost Comparison Handbook.

(b) Agencies shall perform analyses comparing (1) the full aircraft program life cycle cost of adding the aircraft to the fleet, to alternative methods of providing needed aviation services, and (2) compare aircraft flight profile, performance, capabilities, and limitations to program requirements specified in the Statement of Work (SOW) required by OMB Circular No. A-76. The economic analysis will include, but not be limited to, life cycle cost factors such as useful life, total time on engines and airframe, time since major overhaul, and type and age of avionics package. The performance comparison shall compare payload, capacity, power and performance, instrumentation, agency policy and regulation to the tasks as outlined in the program SOW.

§ 101-37.400 General.

The provisions of this subpart prescribe policies and procedures for the use of government aircraft. This subpart incorporates certain provisions of OMB Circular A-126 and OMB Bulletin Number 93-11.

§ 101-37.401 Definitions.

For purposes of this subpart, the following terms shall have the meanings set forth in this section.

"Actual cost" means all costs associated with the use and operation of an aircraft as specified in § 101-37.406(b).

"Full coach fare" means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

"Government aircraft" means any aircraft owned, leased, chartered, or rented and operated by an executive agency.

"Mission requirements" mean activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical evacuation), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attache controlled aircraft, aeronautical research and space and science applications, and other such activities. Mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits.

"Official travel" means travel for the purpose of mission requirements, required use travel, and other travel for the conduct of agency business.

"Reasonably available" means commercial airline or aircraft (including charter) is able to meet the traveler's departure and/or arrival requirements within a 24-hour period (unless the traveler demonstrates that extraordinary circumstances require a shorter period of time).

"Required use" means use of a Government aircraft for the travel of an executive agency officer or employee to meet bona fide communications or security requirements of the agency or exceptional scheduling requirements. An example of a bona fide communications requirement is having to maintain continuous 24-hour secure communications with the traveler. Bona fide security requirements would include, but not be limited to, highly unusual circumstances which present a clear and present danger, such as threats which could endanger lives. Exceptional scheduling requirements could include emergencies and other operational considerations, which make commercial transportation unacceptable.

"Senior executive branch official" means civilian officials appointed by the President with the advice and consent of the Senate and civilian employees of the Executive Office of the President (EOP).

"Senior Federal official" means a person:

(1) Employed at a rate of pay specified in, or fixed according to, subchapter II of chapter 53 of title 5 of the United States Code;

(2) Employed in a position in an executive agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

PART 101-37--GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

101-37.401(3)

(3) Employed in an executive agency position that is not referred to in subparagraph (1), above, (other than a position that is subject to pay adjustment under 37 U.S.C. 1009) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under 5 U.S.C. 5304 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of the basic pay payable for the Senior Executive Service 5 U.S.C 5382; or

(4) Appointed by the President to a position under 3 U.S.C. 105(a)(2)(A), (B), or (c) or by the Vice President to a position under 3 U.S.C. 106(a)(1)(A), (B), or (C). Generally a senior Federal official is employed by the White House or an executive agency, including independent agencies, at a rate of pay equal to or greater than the minimum rate of basic pay for the Senior Executive Service. The term senior Federal official does not include an active duty military officer.

"Space available" means travel using aircraft capacity, that is already scheduled for use for an official purpose, that would otherwise be unutilized.

§ 101-37.402 Policy.

Government aircraft shall be used for official purposes only in accordance with applicable laws and regulations, including this subpart.

(a) Use of Government aircraft. Agencies shall operate Government aircraft only for official purposes. Official purposes include the operation of Government aircraft for:

- (1) Mission requirements, and
- (2) Other official travel.

(b) Use of Government aircraft for official travel or on space available travel is subject to paragraphs (b)(1) and (2) of this section.

(1) Use of a Government aircraft for official travel other than required use travel or mission requirement travel; i.e., for the conduct of agency business, shall be authorized only when:

(i) No commercial airline or aircraft service (including charter) is reasonably available to fulfill effectively the agency's requirement; or

(ii) The actual cost of using a Government aircraft is not more than the cost of commercial airline or aircraft service (including charter). When a flight is made for mission requirements or required use travel (and is certified as such in writing by the agency which is conducting the mission), it is presumed that secondary use of the aircraft for other travel for the conduct of agency business will result in cost savings.

(2) Use of a Government aircraft on a space available basis is authorized only when:

(i) The aircraft is already scheduled for use for an official purpose;

(ii) Space available travel does not require a larger aircraft than needed for the already scheduled official purpose;

(iii) Space available use results in no, or only minor, additional cost to the Government; and

(iv) Reimbursement is provided as set forth in § 101-37.403 of this subpart.

SUBPART 101-37.4--USE OF GOVERNMENT-OWNED AND OPERATED AIRCRAFT

101-37.404(a)

(c) The Secretary of State, Secretary of Defense, Attorney General, Director of the Federal Bureau of Investigation, and the Director of Central Intelligence may use Government aircraft for travel other than (i) to meet mission requirements or (ii) for the conduct of agency business, but only upon reimbursement at full coach fare and with authorization by the President or his designated representative on the grounds that a threat exists which could endanger lives or when continuous 24-hour secure communication is required.

§ 101-37.403 Reimbursement for the use of Government aircraft.

A passenger transported by Government aircraft is required to reimburse the Government under the circumstances specified, and in the amount indicated, in paragraphs (a) through (d) of this section.

(a) For travel that is not required use travel:

(1) Any incidental private activities (personal or political) of an employee undertaken on an employee's own time while on official travel shall not result in any increase in the actual costs to the Government of operating the aircraft, and

(2) The Government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities (except as otherwise provided in paragraph (d) of this section).

(b) For required use travel (except as otherwise provided in paragraph (d) of this section.

(1) For a wholly personal or political trip, the Government shall be reimbursed the full coach fare for the trip,

(2) For an official trip during which the employee engages in political activities, the Government shall be reimbursed the appropriate share of the full coach fare for the entire trip, and

(3) For an official trip during which the employee flies to one or more locations for personal reasons, the Government shall be reimbursed the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.

(c) For space available travel, whether on mission requirements or other flights, the Government shall be reimbursed at the full coach fare except:

(1) As authorized under 10 U.S.C. 4744 and regulations implementing that statute, and

(2) By civilian personnel and their dependents in remote locations not reasonably accessible to regularly scheduled commercial airline service.

(d) In any case of political travel, reimbursement shall be made in the amount required by law or regulation (e.g., 11 CFR 106.3) if greater than the amount otherwise required under paragraph (a) through (c) of this section.

§ 101-37.404 Approving the use of Government aircraft for transportation of passengers.

(a) Use of agency aircraft for official travel may be approved only by the agency head or official(s) designated by the agency head.

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101-37.404(b)

(b) Whenever a Government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a space available basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such space available travelers. In emergency situations, an after the-fact written certification by the agency is permitted.

§ 101-37.405 Approving travel on Government aircraft.

Policy and practices under which travel on Government aircraft may be approved by the agency are specified in paragraphs (a) through (c) of this section.

(a) All travel on Government aircraft must have advance authorization by the sponsoring agency in accordance with its travel policies, OMB Circular A-126 and, when applicable, documented on an official travel authorization. Where possible, such travel authorization must be approved by at least one organizational level above that of the person(s) traveling. If review by a higher organizational level is not possible, another appropriate approval is required.

(b) All required use travel must have written approval on a trip-by-trip basis from the agency's senior legal official or the principal deputy, unless:

(1) The President has determined that all travel or travel in specified categories by an agency head is qualified as required use travel, or

(2) The agency head has determined that all travel or travel in specified categories by an officer or employee other than the agency head, is qualified as required use travel.

(i) Any determination by an agency head that travel by an officer or employee of that agency qualifies as required use travel must be in writing and set forth the basis for that determination. In emergency situations an after-the-fact written certification by an agency is permitted.

(ii) An agency head opting to determine that travel by an officer or employee may be required use travel shall establish written standards for determining when required use travel is permitted. Such travel shall not be permitted unless the travel is in conformance with the written standards.

(c) All travel by senior Federal officials, family members of senior Federal officials, and non-Federal travelers that is not to meet mission requirements or required use travel must be authorized in advance and in writing.

(1) Such authorization must be approved on a trip-by-trip basis and must be signed by the agency's senior legal official or the principal deputy, or be in conformance with an agency review and approval system that has been approved by the Office of Management and Budget (OMB). In emergency situations, an after-the-fact written certification by an agency is permitted.

(2) In addition to the provisions of this subpart, Federal employees on official travel shall be subject to all other applicable travel rules and regulations. Travel by such individuals that is not official travel, for purposes of this subpart, is subject to the reimbursement requirements in § 101-37.403(c) of this subpart for space available travel.

SUBPART 101-37.4--USE OF GOVERNMENT-OWNED AND OPERATED AIRCRAFT

101-37.407(g)

§ 101-37.406 Justification of the use of Government aircraft for transportation of passenger.

(a) The cost comparison justifying the use of a Government aircraft for a proposed trip as required by § 101-37.402(b)(1)(ii) of this subpart should be made prior to authorizing the use of the aircraft for that trip. Standard trip cost justification schedules developed by agencies may be used for this purpose. Agencies that are not able to use such schedules are required to conduct a cost justification on a case by case basis.

(b) When conducting a cost comparison, the agency must compare the actual cost of using a Government aircraft to the cost of using a commercial aircraft (including charter) or airline service. The actual cost of using a Government aircraft is either:

(1) The amount that the agency will be charged by the organization that provides the aircraft,

(2) The variable cost of using the aircraft, if the agency operates its own aircraft, or

(3) The variable cost of using the aircraft as reported by the owning agency, if the agency is not charged for the use of an aircraft owned by another agency.

(c) The cost of using commercial airline or aircraft services for the purpose of justifying the use of Government aircraft:

(1) Must be the current Government contract fare or price, or the lowest fare or price available for the trip(s) in question,

(2) Must include, as appropriate, any differences in the cost of ground travel, per diem and miscellaneous travel (e.g., taxis, parking, etc.), and lost employees' work time (computed at gross hourly costs to the Government, including benefits) between using government aircraft and commercial aircraft services, and

(3) Must include only the cost associated with passengers on official business. Costs associated with passengers traveling on a space available basis may not be used in the cost comparison.

§ 101-37.407 Documentation.

All uses of Government aircraft must be documented, and this documentation must be retained for at least 2 years by the aircraft operations manager. The documentation of each use of Government aircraft must include the information specified in paragraphs (a) through (g) of this section:

(a) Aircraft registration number (the registration number assigned by the Federal Aviation Administration or military-designated tail number)

(b) Purpose of the flight (the mission the aircraft was dispatched to perform)

(c) Route(s) flown

(d) Flight date(s) and times

(e) Name of each traveler

(f) Name(s) of the pilot(s) and aircrew

(g) When Government aircraft are used to support official travel, the documentation must also include evidence that 5 101-37.408 and other applicable provisions of this FPMR have been satisfied.

101-37.408 Reporting travel by senior Federal officials.

Agencies shall submit semi-annual reports for the periods October 1 through March 31 (due May 31), and April 1 through September 30 (due November 30) to the General Services Administration, Aircraft Management Division (FBA), Washington, DC 20406. A copy of each report shall also be submitted to the Assistant Director for General Management, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. Agencies shall submit report data using the Federal Aviation Management System (FAMIS) structure and management codes for automated reporting or GSA Form 3641, Senior Federal Travel. These reports shall be disclosed to the public upon request unless classified.

(a) Reports shall include data on all non-mission travel by senior Federal officials on Government aircraft (including those senior Federal officials acting in an aircrew capacity when they are also aboard the flight for transportation), members of the families of such officials, any non-Federal travelers (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), and all mission and non-mission travel for senior executive branch officials. The reports shall include:

(1) The names of the travelers;

(2) The destinations;

(3) The corresponding commercial cost had the traveler used commercial airline or aircraft service (including charter);

(4) The appropriate allocated share of the full operating cost of each trip;

(5) The amount required to be reimbursed to the Government for the flight;

(6) The accounting data associated with the reimbursement; and

(7) The data required by S 101-37.407(a), (b) and (d) of this subpart.

(b) Each agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

(c) The agency using the aircraft must also maintain the data required by this section for classified trips. This information shall not be reported to GSA or OMB but must be made available by the agency for review by properly cleared personnel.

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§ 101-37.500 General.

The Federal Aviation Management Information System (FAMIS) collects, consolidates, and produces reports required by agencies in the conduct of aviation reviews and analyses, the Interagency Committee on Aviation Policy (ICAP) for development of Government wide aviation management guidance, and OMB and other regulating agencies to capitalize on opportunities for improvement in aircraft operations efficiency and effectiveness.

§ 101-37.501 Definitions.

(a) Net book value means the acquisition cost plus added equipment minus depreciation.

(b) Depreciation means the decrease or loss in value of an aircraft because of wear, age, or other causes, such as technological obsolescence.

(c) Capitalization or market value means the value initially recorded on agency property records and/or accounting records at the time of acquisition. If the aircraft value is not capitalized, the market value at the time of acquisition should be used. Whichever methodology is used per aircraft, it should remain consistent with each data submission to GSA.

(d) Residual value means the value at disposition (less costs of disposal) estimated at the time of acquisition. In many cases, the estimated residual value is so small and occurs so far in the future that it has no significant impact on a cost decision. Residual value may be almost or completely offset by removal and dismantling costs. Normally Government assets will be used through the end of their estimated useful life; thus, residual value may be carried at zero. In the event that it is known at the time of acquisition that the capital asset will not be used for at least 75 percent of its scheduled useful life residual value should be estimated.

(e) Useful life is the estimated period of economic usefulness of an asset, or the date the aircraft is scheduled for replacement.

§ 101-37.502 System overview.

(a) The responsibilities of GSA's Transportation Management Division as the single coordinating office for aircraft management shall include, but not be limited to, the following: coordinating the development of effectiveness measures and standards, and maintaining FAMIS.

(b) Through the FAMIS, GSA will gather and maintain data on the inventory of civilian agency aircraft facilities and aircraft, the cost involved in their operation, as well as those aircraft chartered, rented, or contracted for, and the utilization of those aircraft that are operated in-house or by commercial firms for civilian agencies. This data will be reported to GSA by participating agencies at specified intervals. GSA will prepare summary reports of inventory data related to aircraft and facilities eligible for interagency sharing on a quarterly basis and will prepare a cost, utilization, and total inventory data report annually. Information regarding inventory available for multiple agency use will be provided quarterly by GSA to the ICAP representatives. (Each agency managing and reporting these assets will determine which aircraft or facilities are available for multiple agency use.) The cost and utilization data will be segregated by GSA according to whether (1) aircraft were owned, leased (for 90 calendar days or longer), on loan, leased/purchased, or bailed, and operated by an executive agency; or (2) aircraft or aircraft services were rented on a short-term basis (less than 90 calendar days), contracted, or chartered.

101-37.503

§ 101-37.503 Participating agency responsibilities.

(a) Provide GSA with inventory lists of aircraft facilities and aircraft and inform GSA of changes as they occur using FAMIS software or GSA Form 3549, Government-owned/Leased Maintenance, Storage, Training, Refueling Facilities (Per Facility), and GSA Form 3550, Government Aircraft Inventory (Per Aircraft).

(b) Provide GSA with cost and utilization data on aircraft obtained through contract, rental, or charter, and on all in-house aircraft (except for aircraft described in paragraph (c) (5) of this section), using GSA Form 3551, Contract/Rental Charter Aircraft Cost and Utilization, and GSA Form 3552, Government Aircraft Cost and Utilization (Per Aircraft), and GSA Form 3554 Aviation Services Cost Data Form.

(c) Reporting responsibilities for the various categories of aircraft/aircraft service acquisitions is as follows:

(1) Owned aircraft. The department or independent agency which holds title to the aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.

(2) Bailed aircraft. The department or independent agency which operates Department of Defense (DOD) owned aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.

(3) Leased or leased/purchased aircraft. The department or independent agency which makes payment to a private or other public sector organization for the aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.

(4) Borrowed aircraft. When title is held by any organization that is not a Federal civilian agency or DOD (e.g., a private organization, university, State, or local government), the department or independent agency which operates the aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft. Aircraft borrowed from DOD are bailed aircraft.

(5) Loaned aircraft. The department or independent agency which owns an aircraft on loan to a State, corporation, or other entity, for the entire fiscal year, will report inventory data associated with that aircraft on GSA Form 3550, Government Aircraft Inventory (Per Aircraft).

(6) Contract, charter, and rental aircraft. The department or independent agency which makes payment to the private sector or other organization (public or private) for the aircraft service is responsible for reporting cost and utilization data by type of aircraft.

(7) The agency establishing the aviation services agreement with private sector vendors will report associated data on GSA Form 3554 in accordance with instruction provided.

§ 101-37.504 Aircraft used for sensitive missions.

Inventory, cost, and utilization data for agency aircraft dedicated to national defense, law enforcement, or interdiction missions will be safeguarded. GSA will maintain individualized data on aircraft and facilities of these types; however, if specified by the reporting agencies, GSA will not allow their identification (N-number, serial number, etc.), location, or use patterns (beyond non-aircraft specific data) to be disclosed except as required under the Freedom of Information Act.

§ 101-37.505 Aviation support services cost data report.

This report is a listing of current Government aviation agreements and associated cost data. It is used by agencies in aircraft and support services cost comparisons as directed by OMB Circular No. A-76, Part IV, Chapter 6, Streamlined Costing Handbook for Aircraft. Agencies which do not participate in the Federal Aviation Management Information System program are not eligible for the streamlined process. The process requires that the data remain current. Agencies will submit current aircraft and support services contract and agreement data as the agreements become effective using GSA Form 3554, Rental/

charter and support services Cost Data Form or FAMIS' standard file structure format for automated reporting. Agency contract and agreement data will be deleted from the database 1 year and 1 day after the effective date of the aviation agreement or contract.

§ 101-37.506 Standard aircraft program cost elements.

In Part 101-37, the following cost elements apply and are in conformance with the instructions contained in OMB Circulars No. A-126 and No. A-76. These cost elements will be used for the establishment of cost accounting systems and for reporting Government owned and operated cost and utilization data to the FAMIS on GSA Form 3552.

(a) Direct (Variable) operating costs per flight hour.

(1) Fuel and lubricants. The costs of the aviation gasoline, jet fuel, and other fluids (e.g. engine oil, hydraulic fluids and water-methanol) consumed.

(2) Crew costs (variable). The crew costs which vary according to aircraft usage are travel (particularly reimbursement of subsistence; i.e., per diem and miscellaneous expenses), overtime charges, and wages of crew members hired on an hourly or part-time basis.

(3) Aircraft lease or rental (variable). When aircraft are obtained on an hourly or monthly basis, the associated lease or rental costs are considered variable costs.

(4) Landing and tie down fees (if applicable). Landing and tie down fees associated with aircraft usage are considered variable costs. Tie down fees for storing an aircraft at its base of operations should be considered part of operations overhead, a fixed cost.

(5) Maintenance and spares (variable). Maintenance scheduled on the basis of flying time varies with aircraft usage and, therefore, the associated costs are considered variable. Agencies may consider all of their maintenance costs as variable and account for them accordingly. Otherwise, certain maintenance costs will be considered fixed as described in subsequent sections.

(i) Maintenance labor cost. This cost includes all labor expended by the operator's mechanics, exclusive of the overhaul or major repair of components and engines performed outside the aircraft program.

(ii) Reserve for retirement items. Typical items in this category are tires, instruments, avionics, generators, relays, pumps, brakes, filters, airframe hardware, windows, interiors, paint, shafting, and bearings not inside major components covered under overhaul.

(iii) Reserve for engine overhaul and repairs. Engine maintenance costs include costs for intermediate inspections and overhauls not conducted by the operator's line maintenance mechanics, plus the cost of any likely replacement or repair of parts used between overhauls. To determine accurate hourly direct operating costs (DOC), the operator should divide total costs (for a statistically valid sample size for number of years of operation) by the actual flight hours for that same period. The ceiling imposed for purposes of mandatory overhaul may or may not coincide with the actual necessity for overhaul.

(iv) Reserve for major component overhaul and other life-limited items. The total estimated cost for overhauls, and the derived hourly cost, should be arrived at by dividing the total anticipated cost for materials and labor by the expected actual time between overhauls.

(v) Reserve for aircraft refurbishment and miscellaneous costs. This reserve is for major work including painting, refurbishment of the aircraft interior, and expenses not recognized in other reserve accounts.

Note: In some cases a total restoration of an aircraft, or major modification to increase the operating life of the aircraft, will affect the capital investment. Hence, these costs affecting capitalization and depreciation must be accounted for separately.

(6) Unscheduled maintenances (variable). This element includes performance of special inspections including incorporation of service bulletins

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and airworthiness directives.

(b) Annual operating cost elements (fixed). The fixed costs of operating aircraft are those that result from owning and supporting the aircraft and that do not vary according to aircraft usage. The specific fixed cost elements include:

(1) Crew costs (fixed). Since full-time pilots and other full-time crew members are paid whether or not the aircraft are flown, their salaries, benefits, and training costs are considered to be fixed. This includes the salaries, benefits and training costs of crew members who also perform aircraft maintenance. Also included in these fixed crew costs are the costs of charts, personal protective equipment, uniforms, and other personal equipment of crew members.

(2) Maintenance costs (fixed). Certain maintenance and inspection activities are scheduled on a calendar interval basis and take place regardless of whether or not the aircraft are flown. Agencies may account for the related costs as fixed costs. Fixed maintenance costs include:

- (i) All labor hours by mechanics and inspectors;
- (ii) All employee benefits associated with fixed maintenance labor;
- (iii) All parts and materials (this does not include variable maintenance labor or work on items having a Time Between Overhaul (TBO) or retirement life); and
- (iv) All contracted costs for maintenance or inspections scheduled on a calendar basis.

(3) Aircraft lease (fixed). When aircraft are leased on an annual basis, the associated leased costs are considered fixed costs.

(4) Depreciation (fixed). Depreciation is the decrease or loss in value over time due to wear, age, or continuing technological obsolescence. Aircraft in some cases have a finite useful economic or service life. Depreciation is the method used to spread the cost of tangible capital assets (e.g., aircraft and facilities), less residual value, over an asset's useful life. To find the cost of depreciation, first determine the useful life of the aircraft. Second, divide the aircraft cost less the residual value by the years of useful life. The result is the annual depreciation expense.

(i) Useful life. Useful life is the estimated period of economic usefulness of an asset, or the date the aircraft is scheduled for replacement. For example, if an aircraft has an airframe with a design life of 10,000 hours and your operation expects to fly 500 hours per year, the useful life would be 20 years.

(ii) Residual value. Residual value should reflect the expected condition of aircraft at the end of its economic or design life. For example, if the aircraft manufacturer certified the aircraft with a service life, and the engines also required overhaul on this date, the residual value would be zero and therefore carried at zero. However, if the aircraft has no established service life limit, the residual value could exceed 40 percent. The operator can establish a residual value by evaluating resale market values.

(iii) Reconstructions, conversions, refurbishment and certification of ex-military aircraft. An economic and safety analysis must support the major expense involved in these efforts. These maintenance efforts add value or prolong the life of the aircraft. The costs should be treated as capital expenditures and depreciated over the extended or remaining useful life of either the asset or improvement, whichever is less.

(5) Self-insurance costs (fixed).

(i) Aviation activity involves risks and potential costs from casualty losses and liability claims. These risks are normally covered in the private sector by purchasing an insurance policy. The Government is primarily self-insuring and must pay for each loss incurred if it is determined that the Government or its employees are liable and such accident or loss occurred while the aircraft was operated within the employees scope of employment; it assumes the risks and pays the costs on an incident by incident basis.

(ii) To determine self-insurance costs, see OMB Transmittal No. 10 to OMB Circular No. A-76 concerning a simplified methodology for comparing alternative public and private sector aviation service costs.

(6) Operations overhead. This includes all costs, not accounted for elsewhere, associated with direct management and support of the aircraft program. Examples of such costs include: personnel (salaries, benefits, travel, uniform allowances, training, etc.); building and grounds maintenance; janitorial services, lease or rent costs for hangars and administrative buildings and office space; communications and utilities costs; office supplies and equipment; maintenance and depreciation of support equipment; tie down fees for aircraft located on base; and miscellaneous operational support costs.

(7) Administrative overhead. These costs represent a prorated share of salaries, office supplies and other expenses of fiscal, accounting, personnel, management, and similar common services performed outside the aircraft program, but which support this program.

(8) Spares inventory expense. Each in-house maintenance activity experiences additional costs associated with management of spares inventory. These costs include interest on the investment in spares, self insurance, obsolescence, waste, theft, freight, etc. Calculate the spares inventory cost factor by dividing the warehousing costs (labor and materials) by the value of the spare parts purchased over a representative time frame. Multiply the quotient times the total cost of spares used in maintenance for the same representative time frame.

§ 101-37.507 Reports.

Agencies shall submit their FAMIS data to the General Services Administration (FBX), Washington, DC 20406. Interagency report control number 0322-GSA-AN has been assigned to this report in accordance with FIRM 201-45.6.

(a) Facilities inventories. Additions, deletions, and changes shall be submitted to GSA as they occur using GSA Form 3549, Government-owned/leased Maintenance, Storage, Training, Refueling Facilities (Per Facility).

(b) Aircraft inventories. Additions, deletions, and changes shall be submitted to GSA as they occur using GSA Form 3550, Government Aircraft Inventory (Per Aircraft).

(c) Contract/rental/charter aircraft cost and utilization reports. These reports are due on January 15 of each year and shall reflect data applicable to the preceding fiscal year ending September 30. They are to be submitted on GSA Form 3551, Contract/Rental/Charter Aircraft Cost and Utilization.

(d) Government aircraft cost and utilization reports. These reports are to be submitted on GSA Form 3552 and are due on January 15 of each year and shall reflect data applicable to the preceding fiscal year ending September 30.

(e) Aviation support services cost data report. This report will be submitted on GSA Form 3554, Aircraft Contract, Rental/Charter and Support Services Cost Data Form, as agreements become effective.

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SUBPART 101-37.6	[Reserved]
SUBPART 101-37.7	[Reserved]
SUBPART 101-37.8	[Reserved]
SUBPART 101-37.9	[Reserved]
SUBPART 101-37.10	[Reserved]

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§ 101-37.1100 General.

The primary purpose of this subpart is to establish policies and procedures for aircraft accident/incident prevention and to build or enhance aviation safety programs. This subpart recommends procedures for:

- (a) Conducting accident/incident investigations;
- (b) Preparing factual and evaluative reports;
- (c) Preserving aircraft wreckage, cargo and mail; and
- (d) Establishing standards and qualifications for accident and incident investigators.

§ 101-37.1101 Definitions.

As prescribed in 49 CFR, Part 830.2, and this Subpart 101-37.11, the following definitions apply:

"Agency aircraft" means an aircraft used exclusively in the service of any executive agency or entity thereof, exclusive of the Armed Forces. For the purposes of this subpart "used exclusively in the service of" means an aircraft which is (1) owned and operated by any executive agency or entity thereof, or (2) exclusively leased, chartered, rented, bailed, contracted and operated by any executive agency.

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Civil aircraft" means any aircraft other than a public aircraft.

"Fatal injury" means any injury which results in death within 30 days of the accident.

"Incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

"Intelligence agencies" refers to the following agencies or organizations:

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;
- (4) Offices within the department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) The Bureau of Intelligence and Research of the Department of State;
- (6) Intelligence elements of the Army, Navy, Air Force, Marine Corps, Federal Bureau of Investigation, Drug Enforcement Administration, Department of Treasury, and Department of Energy; and
- (7) The Staff elements of the Director of Central Intelligence.

"Investigator-in-charge" means the investigator who organizes, conducts, and controls the investigation in the field. This investigator is responsible for supervising and coordinating all resources and the activities of all personnel involved in the onsite investigation.

"Operating agency" means an executive agency or any entity thereof using agency aircraft which it does not own.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; results in a fracture of any bone (except simple fractures of

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fingers, toes, or nose); causes severe hemorrhages, nerve, muscle, or tendon damage; involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface

"Substantial damage" means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin or fabric, gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this subpart.

§ 101-37.1102 Initial notification of aircraft accidents, incidents, and overdue agency aircraft.

The operator of the agency aircraft shall immediately, and by the most expeditious means available, notify the executive operating agency when any of the accidents or incidents listed in § 101-37.1105 occur. The executive operating agency shall file a report on NTSB Form 6120.1/2 within 10 calendar days after an accident or incident in accordance with 49 CFR Part 830.

§ 101-37.1103 Information to be given in notification.

As prescribed in 49 CFR, Part 830.6, the notification shall contain the following information, if available:

- (a) Type, nationality, and registration marks of the aircraft;
- (b) Name of owner, and operator of the aircraft;
- (c) Name of the pilot-in-command;
- (d) Date and time of the accident;
- (e) Last point of departure and point of intended landing of the aircraft;
- (f) Position of the aircraft with reference to some easily defined geographical point;
- (g) Number of persons aboard, number killed, and number seriously injured;
- (h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
- (i) A description of any explosives, radioactive materials, or other dangerous articles carried.

§ 101-37.1104 Preservation of agency aircraft wreckage, cargo, mail, and records.

Agency aircraft wreckage, cargo, mail, and records should be preserved as follows:

- (a) The operator of an agency aircraft involved in an accident or incident for which notification must be given to the National Transportation Safety Board (NTSB) (see 49 CFR Part 830), is responsible for preserving to the extent possible any agency aircraft wreckage, cargo, mail, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the airmen and to the operation and maintenance of the agency aircraft until the investigator-in-charge takes custody thereof.

(b) Prior to the time the investigator-in-charge takes custody of agency aircraft wreckage or cargo, such wreckage or cargo may not be disturbed or moved except to the extent necessary to remove persons injured or trapped; protect the wreckage from further damage; or protect the public from injury.

(c) When it is necessary to move agency aircraft wreckage or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

(d) The operator involved in an accident or incident should retain all records, reports, internal documents, and memoranda dealing with the accident or incident until directed otherwise by the investigator-in-charge.

§ 101-37.1105 Reporting of agency aircraft accidents and incidents.

The operator of an agency aircraft other than an aircraft of the Armed Forces or intelligence agencies (see definition in § 101-37.1101) shall file a report on NTSB Form 6120.1/2 (OMB No. 3147-001) (49 CFR Part 830) within 10 days after the accident or incident listed below. (The operator shall file the report with the field office of the NTSB nearest the accident or incident.)

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crew member to perform normal flight duties as a result of injury or illness;

(3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;

(4) In-flight fire;

(5) Aircraft collision in flight;

(6) Damage to property, other than the agency aircraft, estimated to \$25,000 for repair (including materials and labor) or fair market value event of total loss, whichever is less; and

(7) For large multiengine aircraft (more than 12,500 pounds maximum certificated takeoff weight) there shall be immediate notification when:

(i) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a back-up source such as a battery, auxiliary power unit, or air-driven generator to retain flight control or essential instruments;

(ii) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;

(iii) Sustained loss of the power or thrust produced by two or more engines; or

(iv) An evacuation of an aircraft in which an emergency egress system is utilized.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 101-37.1106 Accident and incident investigation procedures.

The policies on agency aircraft accident/incident investigations are as follows:

(a) For the purposes of this regulation, accident and incident

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investigations are factfinding proceedings for accident prevention with no formal issues and no adverse parties and not adjudications of the rights or liabilities of any person. Therefore, these investigations are not intended to be subject to the provisions of the Administrative Procedures Act (Pub. L. 89-554, 80 Stat. 384 (5 U.S.C. 554 et seq.)).

(b) The operating agency is responsible for the conduct of an investigation of all accidents/incidents involving agency aircraft. Agencies may utilize in-house resources or enter into agreements with the NTSB, another agency, or a commercial contractor for the conduct of accident/incident investigations. The investigator-in-charge shall meet the standards prescribed in § 101-37.1107. These investigations shall be conducted primarily to determine the probable causes for accidents/incidents; and secondarily to obtain and preserve available factual evidence.

(c) Responsibility of the operating agency.

(1) The operating agency is responsible for the organization, conduct, and control of all agency aircraft accident/incident investigations involving the agency's aircraft.

(2) The Federal Aviation Administration (FAA) may conduct aviation investigations in accordance with appendix A of the Reimbursable Memorandum of Agreement between the Department of Transportation and the NTSB. Investigation of an accident or incident involving agency aircraft of U.S. registry in a foreign state is at the discretion of the NTSB and applicable conventions.

(3) The operating agency shall pay expenses pertaining to the accident or incident investigation except as provided by separate agreement such as travel, investigator overtime, laboratory expense, etc.

(d) Nature of investigation. Accident or incident investigations are conducted by operating agencies in order to determine the facts, conditions, and circumstances relating to each accident or incident, the probable cause(s) thereof, and measures which will best prevent similar accidents or incidents in the future. The investigation includes the field investigation and report preparation.

(e) Priority of NTSB conducted investigations. When the NTSB is conducting the investigation pursuant to an agreement with an executive agency, the NTSB will provide for the appropriate participation by the operating agencies in any such investigation and said agencies will be *offered* the opportunity to submit proposed findings for the NTSB's consideration in determining the probable cause(s) of the accident. To the extent agencies conduct a separate investigation of an accident or incident involving agency aircraft, the investigation must not interfere with the investigation by the NTSB and must comply with the requirements of this part.

(f) The NTSB and other executive agencies will ensure that appropriate factual information obtained or developed in the course of their investigations is exchanged in a timely manner. Information developed through analysis and lab work shall be coordinated with operating agencies for the conduct of the evaluative report required by this subpart.

(g) Request to withhold information. Any person may make written objection to the public disclosure of information contained in any report or document filed, or of information obtained by the NTSB or investigating agency, stating the grounds for such objection. The investigating agency may withhold from

public disclosure information that can be withheld under the provisions of the Freedom of Information Act (5 U.S.C. 552). Information may be withheld if privileged or classified, for example, for national security reasons. The inaccessibility to such material or classified information is not sufficient reason to prevent the normal course of the investigation.

(h) Authority of the investigating agency. Any employee of the investigating agency, upon presenting appropriate credentials after obtaining the owner's consent, may enter any property wherein an agency aircraft accident has occurred or wreckage from any such accident is located to conduct an investigation. The investigating agency should examine any pertinent records, including documents, papers, medical files, hospital records, and correspondence, relevant to the accident/incident. Authorized representatives of the investigating agency may question any person having knowledge relevant to an aircraft accident/incident. The investigating agency shall examine and test to the extent necessary any non-military agency aircraft parts, aircraft engine, propeller, appliance, or Government property aboard an aircraft involved in an accident involving an agency aircraft.

(i) Participants to the field investigation:

(1) The investigator-in-charge may designate participants in the field investigation. Participants should be limited to those persons, Government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel to actively assist in the field investigation. In a NTSB investigation, a representative of the operating agency shall be invited to participate in the NTSB investigation, subject to the supervision of the NTSB's investigator.

(2) No participant in the field investigation designated under paragraph (a) of this section should be represented by any person who also represents claimants or insurers. Failure to comply with this provision shall result in loss of status as a participant in the investigation.

(j) Access to and release of wreckage, records, mail, and cargo.

(1) Only the investigating agency's accident investigation personnel and persons authorized by the investigator-in-charge to participate in any particular investigation, examination, or testings shall be permitted access to wreckage, records, mail, or cargo which is in the agency's custody.

(2) Wreckage, records, mail, and cargo in the custody of the investigator in-charge shall be released by an authorized representative of the investigating agency when it is determined that the investigating agency has no further need of such wreckage, records, mail, or cargo.

(k) Release and dissemination of accident information.

(1) Release of factual information during the field investigation, particularly at the accident scene, shall be in accordance with the investigating agency's procedures.

(2) All information concerning the accident or incident obtained by any personnel participating in the field investigations shall be passed to the investigator-in-charge, through appropriate channels. Upon approval of the investigator-in-charge, parties to the investigation may relay to their respective organization information which is necessary for prevention or remedial action. Under no circumstances shall accident information be released to or discussed with unauthorized persons whose knowledge thereof might adversely affect the investigation.

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(1) Proposed findings. Any person, Government agency, company, or association whose employees, functions, activities, or products were involved in an accident under investigation may submit to the investigating agency, prior to the consideration of probable cause, proposed findings to be drawn from the evidence produced during the course of the accident investigation, a proposed probable cause, and proposed safety recommendations designed to prevent future accidents.

§ 101-37.1107 Aircraft accident and incident investigator classifications and qualification standards and qualification levels.

The following classifications and qualification standards, together with the aircraft accident factors, are recommended for those individuals designated or assigned to investigate aircraft accidents/incidents. These individuals do not have to be full-time accident/incident investigators. These standards should be used as a guide to ensure that qualified personnel conduct accident investigations; however, they do not supersede those job classification series prescribed by the Office of Personnel Management.

(a) Each person selected to investigate aircraft accidents and incidents should have a level of aviation related knowledge and experience appropriate to meet the qualifications prescribed in paragraphs (a)(1) thru (3) of this section. An investigator beginning at the trainee level must take a recognized course in basic aircraft accident investigation which, as a minimum, consists of 80 hours of instruction in aircraft accident investigation theory and application. All investigators shall continue their aviation education through classes, courses, or seminars to keep abreast with new technology, investigative techniques, and governing regulations. This will enable them to perform at the Air Safety Investigator and Senior Air Safety Investigator levels.

(1) Trainee. A trainee shall have general knowledge of the basic fundamentals of aviation and be employed in the field of aviation. This person shall work under the direct supervision of an ASI when performing accident investigation functions.

(2) Air Safety Investigator (ASI). An Air Safety Investigator (ASI) shall have from 2 to 5 years experience and have participated in, as a minimum, two aviation accident investigations. The ASI shall be capable of performing accident investigations, preparing a factual and evaluative report, and making meaningful safety recommendations, where appropriate. This person would be able to act as investigator-in-charge of most accidents and incidents.

(3) Senior Air Safety Investigator (SASI). A Senior Air Safety Investigator (SASI) shall have over 5 years experience in accident investigations and be able to direct and lead teams investigating the most complex accidents involving high technology aircraft, under the most difficult conditions, worldwide.

(b) The following factors involved in an aircraft accident that affect the difficulty of the investigation are listed in (generally) increasing complexity. These factors should be considered when assigning an investigator to an accident and are presented as guidance only to the convening authority within the investigating agency.

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(1) Aircraft type. (Fixed-wing) General aviation single-engine, general aviation multi-engine, commercial multi-engine, commercial turbo-prop, commercial jet, 1st generation air carrier, 2nd generation air carrier, 3rd generation air carrier, fighter, research aircraft. (Helicopter) Light helicopter, medium helicopter, large helicopter.

(2) Environment. Visual flight conditions, instrument flight conditions, restrictions to visibility, high velocity or cross winds, thunderstorms, windshear, or unusual weather phenomena; i.e., tornadoes, hurricanes, etc.

(3) Segment. Taxi, visual flight rules (VFR), instrument flight rules (IFR), en route, takeoff, approach/landing, air traffic control zones, restricted areas.

(4) Type. (Injury) Non-injury, serious injury, fatality. (Damage) Minor/no aircraft damage, substantial aircraft damage, aircraft destroyed, inflight breakups. (Fire) No fire, post.

(5) Location. Rural, suburban, urban, municipal airport, military base, international airport, large metropolitan area.

(6) Public interest. General aviation, business, commercial, commuter, air carrier, collisions, any of the above with a public figure on board.

§ 101-37.1108 Accident and incident investigation reports.

The policies governing agency aircraft accident/incident investigation reports are as follows:

(a) The operating agency or its designated investigating entity; e.g., NTSB, commercial contractors, etc., should prepare reports for all accident/incidents involving agency aircraft that such agency or entity investigates.

(b) The factual report and the evaluative report are the responsibility of the operating agency. Agencies may establish agreements for the preparation of the factual and evaluative reports with the qualified in-house resources, commercial contractors, and/or another agency pursuant to an interagency agreement.

(1) Factual report. The purpose of this report is to assemble all available facts about an accident/incident so that conclusions as to probable cause(s) can be made, and secondarily for use in other proceedings outside the area of accident/incident prevention. This report does not contain opinions, conclusions, or recommendations of the investigator(s) concerning any aspect of the accident/incident and should be made available to any Government agency and/or private individuals or groups. When agencies conduct investigations, a copy of the narrative summary will be provided to the NTSB. This report includes only a factual narrative summary prepared by the investigator(s), all factual material collected by the investigator(s), and a list of all known witnesses. Privileged material Such as proprietary material of manufacturers shall be attached in sealed addenda and released only as appropriate. The factual summary prepared by the investigator(s) should give an overview of the pertinent facts contained in the factual report. Normally, the summary should include, but is not limited to:

(i) Accident/incident identification, including aircraft number and type, date, and time accident/incident;

(ii) History of flight/operation, including the flight's origin, course, destination, time of departure, and time of termination;

(iii) Purpose of flight;

(iv) Briefing and pre-flight, including crew rest, description of any briefing and pre-flight procedures;

(v) Flight, including flight plan, communications, navigation, aircraft

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parameters (altitude, speed, etc.), and weather;

- (vi) Impact, including description of time, date, aircraft altitude, attitude, airspeed, angle of attack, and related facts at time of impact;
- (vii) Personal and survival equipment, and survivability;
- (viii) Rescue/crash response;
- (ix) Maintenance;
- (x) Airframe;
- (xi) Crew qualifications;
- (xii) Medical, including use and function of restraint systems;
- (xiii) NAVAIDS and facilities; and
- (xiv) Results of on-sight and off-sight testing.

(2) Evaluative report. The purpose of this report is to improve safety by preventing accidents/incidents. This report is used to assist agencies to build or enhance an effective aviation safety program. This report contains the conclusions, opinions, and recommendations of the investigator(s) and certain designated witness' statements. Except for the aforementioned witness statements, no factual information and/or material not available in the factual report should be referred to or relied upon in this report. Evaluative notes of the agency's investigators), to the extent they may be retained, should be attached to this report.

(i) The utility of the evaluative report depends in part on candid statements and observations by witnesses or those directly involved in the accident/incident. (See paragraph (d) of this section.) Therefore, the investigator-in-charge should inform witnesses that their statements are intended to be used only for safety evaluation and improvement purposes.

(ii) If the investigator-in-charge, in consultation with the agency counsel, has determined that a witness' statement may be privileged, it should be attached only to the evaluative report.

(iii) Limited use and protection of the evaluative report. The evaluative report, attachments, and report endorsements are exempt from disclosure to the extent covered by 5 U.S.C. 552 (b)(5). Agency counsel can determine the extent of such coverage. The evaluative report should be used only for safety purposes.

(iv) Preventing use of information contained in the evaluative report for other than its intended purposes encourages aircraft accident/incident witnesses, investigator(s), and endorsers of aircraft evaluative reports and attachments to provide complete, open, and forthright information, opinions, conclusions, and recommendations regarding the accident/incident investigated. If aircraft accident/incident investigator(s) and endorsers believed that their deliberations, opinions, and recommendations could be used for other than safety purposes, they might be reluctant to develop or include in their reports and endorsements information which would be vital for safety and for the prevention of future loss of life, bodily injury, and/or property damage.

(c) Investigators. Consistent with the policies and procedures contained in paragraphs (a) and (b) of this section, all investigators, including but not limited to investigators-in-charge, may testify as to the factual information they obtained during the course of the accident investigation, including factual evaluations embodied in the factual report.

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SUBPART 101-37.12 [Reserved]

SUBPART 101-37.13 [Reserved]

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§ 101-37.1400 General.

This subpart provides the necessary information to obtain forms prescribed or available for use in connection with the subject matter covered in Part 101-37. These forms are designed to provide a uniform method of requesting and transmitting aviation management information and uniform documentation of transactions among Government agencies.

§ 101-37.1401 GSA forms availability.

Copies of the forms identified in subparagraphs a through e, below, may be obtained from the General Services Administration (FBX), Washington, DC 20406.

(a) GSA Form 3549, Government-owned/Leased Maintenance, Storage, Training, Refueling Facilities (Per Facility).

(b) GSA Form 3550, Government Aircraft Inventory (Per Aircraft).

(c) GSA Form 3551, Contract/Rental/Charter Aircraft Cost and Utilization.

(d) GSA Form 3552, Government Aircraft Cost and Utilization (Per Aircraft).

(e) GSA Form 3554, Aircraft Contract, Rental/Charter and Support Services Cost Data Form.

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§ 101-38.000 Scope of part.

The provisions of this part prescribe policies and procedures governing the economical and efficient management and control of Government-owned motor vehicles and motor vehicles rented or leased to the Government, including reporting, registration, official use, inspection, and identification. Agencies should incorporate appropriate provisions of this Part 101-38 into contracts offering Government-furnished equipment in order to ensure adequate control over use of the vehicles.

Subpart 101-38.0--Definition of Terms**§ 101-38.001 Definitions.**

In Part 101-38, the following definitions apply.

§ 101-38.001-1 Head of executive agency.

"Head of executive agency" means the head of a department or independent establishment in the executive branch, including any wholly-owned Government corporation, or an official designated in writing to act on his or her behalf.

§ 101-38.001-2 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) gained and held or (b) rented or leased from private or commercial sources for a period of 60 continuous days or more by a Federal agency or the District of Columbia. This definition shall not be construed as the authority for the use of motor vehicles for a period of less than 60 continuous days in any manner other than for official purposes.

§ 101-38.001-3 Commercial design motor vehicle.

"Commercial design motor vehicle" means a motor vehicle procurable from regular production lines and available for use by Federal agencies.

§ 101-38.001-4 Military design motor vehicle.

"Military design motor vehicle" means a motor vehicle (excluding general purpose vehicles) designed in accordance with military specifications to meet transportation requirements for the direct support of combat or tactical operations, or for training of troops for such operations.

§ 101-38.001-5 Identification.

"Identification" includes the legends "For Official Use Only" and "U. S. Government" placed upon a motor vehicle and other identification showing the full name of the department, executive agency, establishment, corporation, or service. In lieu of the organizational name, a title which is descriptive of the service within which the vehicle is operated may be used, so long as the title identifies the department, establishment, corporation, or agency concerned.

§ 101-38.001-6 Owning agency.

"Owning agency" means an executive agency having accountability for Government-owned motor vehicles. This term applies when an executive agency has authority to take possession of, assign, or reassign the vehicles regardless of which Federal agency is the using agency.

§ 101-38.001-7 Using agency.

"Using agency" means a Federal agency using vehicles for which it does not have accountability. This term applies when an agency obtains vehicles from the

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Interagency Fleet Management System, commercial firms, or another Federal agency on a temporary basis.

§ 101-38.001-8 Vehicle lease.

"Vehicle lease" is a method of obtaining a vehicle by any agency by contract or other arrangement from a commercial source for a period of 60 continuous days or more. It is synonymous with the phrase "term rental" previously used.

§ 101-38.001-9 Vehicle rental.

"Vehicle rental" is a method of obtaining a vehicle by an agency by contract, schedule, or other arrangement from a commercial source for a period of less than 60 continuous days. It is synonymous with the phrase "trip rental" previously used.

§ 101-38.001-10 Reportable vehicles.

"Reportable vehicles" means all sedans, station wagons, buses, ambulances, carryalls, trucks, and truck tractors that operate on petroleum-based fuels. Included are all vehicles of the types named that use diesel, gasohol, propane, methane, or a combination of these fuels with gasoline when these vehicles are integrated into the normal agency fleets. Excluded are the semitrailers, trailers, and other trailing equipment such as pole trailers, dollies, cable reels, trailer coaches, and bogies; trucks with permanently mounted equipment (e.g., generators, air compressors, etc.); fire trucks; electric and hybrid-powered electric vehicles; motorcycles; and military design motor vehicles.

§ 101-38.001-11 Large fleet.

"Large fleet" means a fleet of 2,000 or more reportable agency-owned vehicles, worldwide.

§ 101-38.001-12 Small fleet.

"Small fleet" means a fleet of less than 2,000 reportable agency-owned vehicles, worldwide.

§ 101-38.001-13 Domestic fleet.

"Domestic fleet" means all reportable agency-owned motor vehicles operated in any State, Commonwealth, territory or possession of the United States or in the District of Columbia.

§ 101-38.001-14 Foreign fleet.

"Foreign fleet" means all reportable agency-owned motor vehicles operated in areas outside any State, Commonwealth, territory, or possession of the United States or the District of Columbia.

§ 101-38.001-15 Tag.

"Tag" means the official U. S. Government motor vehicle identification plate; District of Columbia license plate; or license plate of any State, Commonwealth, territory, or possession of the United States.

§ 101-38.001-16 Fleet average fuel economy.

"Fleet average fuel economy" means the total number of passenger automobiles and light trucks, acquired by purchase or leased for 60 continuous days or more, of a specific configuration (4x2 or 4x4, up to 8,500 pounds gross vehicle weight rating (GVWR)) during a fiscal year by executive agencies (excluding passenger automobiles or light trucks acquired to perform combat-related missions for the U. S. Armed Forces or acquired for use in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by

dividing the number of passenger automobiles or light trucks (4x2 or 4x4) so acquired of a given model type by the fuel economy of that model type. (See § 101-38.101-3(b) (4)).

§ 101-38.001-17 Acquired.

"Acquired" means purchased or leased for a period of 60 continuous days or more but does not include passenger vehicles or light trucks obtained on assignment from the Interagency Fleet Management System or rented for periods less than 60 continuous days through commercial sources.

§ 101-38.001-18 Law enforcement vehicle.

"Law enforcement vehicle" means a passenger automobile or light truck which is specifically approved in an agency's appropriation act for use in apprehension, surveillance, police type or other law enforcement work, or specifically designed for use in law enforcement. If not identified in an agency's appropriation language, to qualify as a law enforcement vehicle designed for use in law enforcement, the vehicle must be equipped with at least the following components:

(1) For passenger automobiles, heavy duty components for electrical, cooling, and suspension systems and at least the next higher cubic inch displacement (CID) or more powerful engine, than is standard for the automobile concerned; and,

(2) For light trucks, emergency warning lights must be displayed and the vehicle must be identified with markings, such as "police."

§ 101-38.001-19 Light truck.

"Light truck" means a truck up to 8,500 pounds gross vehicle weight rating (GVWR), which is a four-wheeled vehicle propelled by fuel (gasoline or diesel oil), is manufactured primarily for use on public streets, roads, and highways, and is contained in Federal Standard No. 307 (Trucks: Light commercial, two-wheel drive) or Federal Standard No. 292 (Trucks: Light commercial, four-wheel drive).

Subpart 101-38.1--Motor Vehicle Acquisitions

§ 101-38.100 Scope and applicability.

(a) This subpart prescribes policies and procedures relating to the GSA motor vehicle procurement and leasing program and defines requirements and guidelines to provide energy conservation in motor vehicles used for official purposes by the Federal Government.

(b) This subpart applies to executive agencies located in the United States, its territories, or possessions of the United States which operate Government-, owned, -leased, -rented motor vehicles in the conduct of official business. This subpart does not apply to motor vehicles exempted by law or other regulations. Other Federal agencies are encouraged to comply with the requirements and guidelines of this subpart so that maximum energy conservation benefits may be realized in the acquisition, operation, and management of Government-owned or - leased motor vehicles.

§ 101-38.101 Acquisition of fuel efficient motor vehicles.

§ 101-38.101-1 Classification of passenger automobiles.

Passenger automobiles shall be classified according to the current edition of Federal Standard No. 122 as follows:

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Sedan class	Station wagon class	Descriptive name
IA		Small
IB	I	Subcompact
II	II	Compact
III.	III	Midsize
IV	IV	Large
V.		Limousine

§ 101-38.101-2 Mandatory provisions affecting the acquisition and use of motor vehicles.

(a) Except for those vehicles exempted under the provisions of § 101-38.101-3(b) (6), all motor vehicles acquired for official purposes by executive agencies shall be selected to achieve maximum fuel efficiency and limited to the minimum body size, engine size, and optional equipment necessary to meet agencies' requirements.

(b) Use of Government limousines (class V) and large (class IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President and for security and highly essential needs. Executive agencies shall certify all exceptions to the Administrator of General Services.

(c) All class IV and V sedans shall be replaced by class II or smaller sedans unless a class III is absolutely essential to the agency's mission and certified accordingly to the Administrator of General Services.

(d) Executive agencies are governed by the provisions of 31 U. S. C. 1344 and 1349 and 18 U. S. C. 641 which define and govern the use of motor vehicles for official purposes.

§ 101-38.101-3 Acquisition of fuel efficient passenger automobiles and light trucks.

(a) This section provides policy and procedures governing the acquisition of fuel-efficient passenger automobiles and light trucks by executive agencies and provides for the administration of a consolidated Federal fleet program to monitor those acquisitions. This authority is derived from Executive Order 11912, dated April 13, 1976, and Executive Order 12375, dated August 4, 1982, which designate and empower the Administrator of General Services to perform, without approval, ratification, or other action by the President the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U. S. C. 2010).

(b) The acquisition of passenger automobiles by an executive agency shall be limited to class IA, IB, or II (small, subcompact, or compact) unless the agency certifies to the Administrator of General Services that a larger class vehicle is essential to the agency's mission. The certification shall include the reasons for requiring a vehicle larger than a class II, compact.

(1) In compliance with Executive Orders 11912 and 12375, GSA administers a consolidated Federal fleet program to monitor passenger automobiles and light trucks acquired by executive agencies. The program is based upon the actual vehicle leases and purchases of passenger automobiles and light trucks, reported by vehicle class, by executive agencies to GSA. GSA administers the program by maintaining a master record of the miles per gallon ratings for passenger automobiles and light trucks actually acquired by each agency during the fiscal year. The GSA program will be used to verify that each agency's vehicle leases and purchases conform with Executive Order 12375; i.e. , the agency will achieve the fleet average fuel economy for the applicable fiscal year.

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(2) The Federal fleet program enables GSA to determine the total fleet average fuel economy achieved by all executive agencies at the end of each fiscal year and to provide management assistance to agencies to ensure compliance with Executive Order 12375. Copies or synopses of actual vehicle leases and vehicle purchases not procured through the GSA Automotive Commodity Center shall be forwarded to the General Services Administration, ATTN: FBF, Washington, DC 20406, not later than December 1st of each year, in accordance with the requirements set forth in § 101-38.102.

(3) Passenger automobiles and light trucks acquired by executive agencies must meet the fleet average fuel economy objectives set forth below for the appropriate fiscal year:

Fiscal year	Miles per gallon		Fleet average fuel[2] economy 4 x 4	Fleet
	Light trucks fuel economy standard	Passenger automobiles		
1977	18.0	18.0		
1978	18.0	20.0		
1979	19.0	22.0	17.2	15.8
1980	20.0	24.0	16.0	14.0
1981	22.0	26.0	16.7	15.0
1982	24.0	24.0	18.0	16.0
1983	26.0	26.0	19.5	17.5
1984	27.0	27.0	20.3	18.5
1985	27.5	27.5	19.7	18.9
1986	26.0	26.0	20.5	19.5
1987	26.0	26.0	21.0	19.5
1988	26.0	26.0	21.0	19.5
1989	26.5	26.5	21.5	19.0
1990	27.5	27.5	20.5	19.0
1991	27.5	27.5	20.7	19.1
1992-beyond	27.5	27.5	(3)	(3)

[1] Established by section 502 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 902, 15 U. S. C. 2002) and the Secretary of Transportation.

[2] Established by the Secretary of Transportation and mandated by Executive Order 12003 through fiscal year 1981 and by Executive Order 12375 beginning in fiscal year 1982.

[3] Requirements not yet established by the Secretary of Transportation.

(4) The method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915; 15 U. S. C. 2010) and applies to the calculations for passenger automobiles and light trucks. A sample of the method used to calculate the fleet average fuel economy is shown below. This information is derived from the total number of vehicles to be acquired by an agency and the Environmental Protection Agency (EPA) miles per gallon rating provided by GSA in accordance with § 101-38.102(a).

Light trucks: 4x2, total number (600) divided

(A) Six-cylinder automatic transmission van-wagons and van-panels (200) divided by 17 mpg, plus

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- (B) Eight-cylinder automatic transmission van-wagons and van-panels (75) divided by 16 mpg, plus
 (C) Six-cylinder manual transmission pick-ups (100) divided by 24 mpg, plus
 (D) Six-cylinder automatic transmission pick-ups (200) divided by 20 mpg, plus
 (E) Six-cylinder automatic transmission sedan deliveries (25) divided by 21 mpg.

$$\begin{array}{r}
 = \frac{600}{\frac{75}{16} + \frac{100}{24} + \frac{200}{20} + \frac{25}{21}} \\
 = \frac{600}{11.765 + 4.167 + 10.0 + 1.190} \\
 = \frac{600}{17.022} = 35.24
 \end{array}$$

31.810 = 18.9 (Rounded to nearest 0.1 mpg.)

(5) An agency may request exemptions from this § 101-38.101-3(b) (3) for light trucks or categories of light trucks if they are determined to be appropriate in terms of energy conservation, economy, efficiency, or service. Agencies shall submit these requests in writing to the Administrator of General Services, Washington, DC 20405, and shall state the reasons supporting the request for exemption. The Administrator will review the request, determine if the request is appropriate, and advise the requesting agency of the determination. Light trucks exempted under the provisions of this paragraph shall not be included in the calculation of an agency's fleet average fuel economy.

(6) This subpart does not apply to passenger automobiles and light trucks designed to perform combat-related missions for the U. S. Armed Forces or designed for use in law enforcement or emergency rescue work.

§ 101-38.102 Agency purchase and lease of motor vehicles.

(a) Executive agencies that comply with the provisions of § 101-26.501-1 (b) and (c) may acquire vehicles without using the services of the GSA Automotive Commodity Center. Copies of actual vehicle leases and purchases acquired for domestic fleets which are not procured through the GSA Automotive Commodity Center will be furnished to the General Services Administration, ATTN: FBF, Washington, DC 20406. Each submission shall use the unadjusted combined city/highway mileage ratings for passenger automobiles and light trucks developed by the Environmental Protection Agency (EPA) for each fiscal year. The submissions shall be forwarded to GSA as soon as possible after the purchase or effective date of the lease. All submissions for the previous fiscal year shall reach GSA by December 1st of each year. GSA issues information concerning the EPA mileage ratings and miles per gallon rating guidance to assist agencies in the timely planning of their acquisitions. Agencies not intending to purchase or lease vehicles or agencies that satisfy their total motor vehicle requirements through the GSA Interagency Fleet Management System shall so inform GSA.

(b) The submission of actual vehicle leases and agency purchases or synopses for passenger automobiles and light trucks acquired during the fiscal year includes vehicles which were procured or leased for use in any State or Commonwealth of the United States and the District of Columbia. Agencies shall not include passenger automobiles and light trucks which are:

- (1) Procured or leased for use outside the foregoing areas;
- (2) Designed to perform combat-related missions for the U. S. Armed Forces; or
- (3) Designed for use in law enforcement or emergency rescue work.

(c) Requisitions for passenger automobiles and light trucks sent to GSA for procurement action, but for which a contract is not awarded during the same fiscal year the requisitions are submitted, shall be included in the agency's vehicle lease and purchase record for the fiscal year in which the contract is awarded.

(d) When a vehicle lease contains an option to renew and the option is exercised, that renewal action shall not be included as a new acquisition. However, before the exercise of the renewal option, an agency must submit its requirements to GSA in accordance with § 101-39.204 to determine if the requirement can be satisfied through the Interagency Fleet Management System.

(e) In order to maintain a master record of all leased passenger vehicles and light trucks under 8,500 pounds (GVWR), agencies shall forward to the General Services Administration, ATTN: FBF, Washington, DC 20406, copies of lease agreements for those vehicles leased for a period of 60 continuous days or more, or they may submit the following information:

- (1) Number of vehicles, by category;
- (2) Year;
- (3) Make;
- (4) Model;
- (5) Transmission type (if manual, number of forward speeds);
- (6) Cubic inch displacement;
- (7) Fuel system (fuel injection or carburetor (number of barrels));
- (8) Monthly lease cost;
- (9) Duration of lease (include option to renew);
- (10) Vehicle type (4x2 or 4x4--light trucks only);
- (11) Gross vehicle weight rating (GVWR) : Light trucks only; and
- (12) Lessor's name and address.

(f) Submission of requisitions for procurement or requests for authority to lease vehicles, which in the judgment of GSA will result in noncompliance with the fleet average fuel economy by the end of the fiscal year, may result in requisitions being held in abeyance pending discussion with the agency to ensure compliance with fuel economy requirements.

(g) Requisitions submitted to GSA for vehicles shall conform to the requirements of § 101-38.104.

(h) Agencies may request GSA assistance when planning their acquisitions by contacting the General Services Administration, ATTN: FBF, Washington, DC 20406.

(i) Information concerning vehicles purchased for agencies by the GSA Automotive Commodity Center is provided internally; therefore, vehicles procured by GSA are not required to be reported.

§ 101-38.103 Leasing of motor vehicles.

(a) Under the provisions of §§ 101-38.101-2 and 101-38.102(d), all requirements for leased motor vehicles that are needed by Federal executive agencies for 60 consecutive days or more, shall be submitted to General Services Administration, ATTN: FBF, Washington, DC 20406, for a determination of whether the requirements can be satisfied through the Interagency Fleet Management System. The request shall be prepared in accordance with the requirements of § 101-39.205.

(b) All charter services are exempted from the provisions of this section.

§ 101-38.103-1 Schedule leasing program.

When GSA can not fill a request for vehicle support, it refers the agency, when appropriate, to GSA's indefinite quantity lease under Federal Supply Schedule 751, Part II, Automobiles and Light Truck Vehicles: Closed-end lease, without maintenance. This schedule covers subcompact, compact, and midsize sedans, compact station wagons, and certain classes of light trucks, both 4x2 and 4x4, and is a mandatory use schedule for all executive agencies within the conterminous 48 States and Washington, DC, except for the Department of Defense (DOD) and the U. S. Postal Service. Leases normally cover a period of 1 year with an option for two 12 month renewals. When an agency's lease period extends from one fiscal year to the next, delivery orders should, if appropriate, cite the statement "subject to the availability of funds."

§ 101-38.104 General.

Except as provided for the DOD in paragraph (a) of this section, each executive agency shall submit to GSA its orders for purchase in the United States of all new passenger motor vehicles (FSC 2310), trucks or truck tractors (FSC 2320), trailers (FSC 2330) van-type (with payload of not less than 5,000 nor more than 50,000

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pounds), and fire trucks and fire fighting trailers (FSC 4210). Specifically included are sedans, station wagons, carryalls, ambulances, buses, and trucks, including trucks with specialized mounted equipment, truck chassis with special purpose bodies, and all van-type trailers (with payload of not less than 5,000 nor more than 50,000 pounds).

(a) DOD acquisition requirements for commercial-type passenger motor vehicles (FSC 2310), including buses and trucks (FSC 2320) up to 10,000 GVWR must be submitted to General Services Administration, ATTN: FCA, Washington, DC 20406, except for the following:

- (1) Buses, convertible to ambulances;
- (2) Trucks, convertible to ambulances; and
- (3) Trucks, 4x4, dump, 9,000 pounds GVWR with cut-down cab.

(b) When the requisitioning agency determines that requirements for passenger motor vehicles and trucks indicate the need for procurement by activities other than GSA, a request for waiver justifying the procurement shall be submitted in writing to the General Services Administration, ATTN: FCA, Washington, DC 20406. GSA will notify agencies in writing, whether a waiver has been granted. Justification for special purpose trucks may be based on urgency of need or that the vehicle has unique characteristics such as a special purpose body or equipment that may require close supervision by agency personnel to ensure proper installation of the equipment by the contractor; e.g., when a medical van is to be equipped with Government or contractor-supplied equipment. Requests for procurement through sources other than GSA will be handled on an individual basis provided full justification is submitted.

(c) When GSA determines that procurement of an individual agency requirement by GSA would offer no advantage over local purchase of the item, GSA may grant the ordering activity authority for local purchase. When such a determination is made, the order will be returned to the ordering agency with written authority for local purchase.

§ 101-38.104-1 Purchase of new motor vehicles.

(a) Purchase of new sedans, station wagons, and light and medium trucks other than those to be used for law enforcement, shall be limited to standard vehicles (unless other than standard vehicles are specifically required) as follows: sedans, class IB-subcompact, or class II-compact; station wagons, class II-compact, as described in Federal standard 122; light trucks as defined in Federal standards 292 and 307; and medium trucks as defined in Federal standard 794. (Federal standards 122, 292, 307, and 794, as used in this section, mean the latest editions.) Medium and heavy trucks will be purchased according to the provisions of § 101-26.5. Requisitions submitted to GSA for motor vehicles shall be in conformance with the requirements of § 101-38.101.

(1) Standard passenger vehicles as defined in Federal Standard No. 122 are considered to be completely equipped for ordinary operation and are subject to the statutory maximum price limitation.

(2) Items (vehicles) included in Federal Standard No. 122, other than those listed as standard, are considered to be equipped with additional systems and equipment for passenger vehicles.

(b) The agency head or a designee shall certify that requisitions submitted to GSA for new passenger vehicles, and light trucks under 8,500 pounds GVWR, conform to the provisions of Executive Order 12375. The certification may be placed on the requisition or on an appropriate attachment.

§ 101-38.104-2 Additional systems and equipment for passenger motor vehicles.

In accordance with this subpart, passenger motor vehicles may be procured with additional systems and equipment as listed in Federal Standard No. 122 (i.e., the latest edition or any interim standard being used temporarily as a replacement); and applicable additional systems and equipment so indicated in the Federal standard may be procured for Government-owned or -operated passenger motor vehicles, provided the guidelines contained in this subpart are met. For procuring additional systems and equipment for Government-owned or -operated passenger motor vehicles, a determination shall be made that vehicles needing the systems and equipment have at least 2 years expected remaining serviceable life and have been driven less than 40,000 miles. If the guidelines cannot be met or

the required item is not shown in the Federal standard and the agency considers the item to be essential, a justification shall be submitted to the General Services Administration: FCA, Washington, DC 20406, for approval before procurement.

(a) Selection of additional systems and equipment in vehicles shall be made by the requiring agency and shall be based on the need to provide for overall safety, efficiency, economy, and suitability of the vehicle for the purposes intended pursuant to this subpart.

(1) The requisitioning agency shall weigh the need for such systems or equipment against the economic factors involved, the potential benefits to be derived, and the impact on the fuel consumption characteristics of the vehicle.

(2) GSA will consider that the agency head or designee has approved additional systems and equipment requested as being essential. When systems and equipment other than those listed in Federal standards are requested, these systems and equipment shall be considered and treated as deviations under § 101-38.104-4.

(b) The acquisition shall be based on the need to provide for overall economy, efficiency, safety, and suitability of the vehicle with the additional items, and in consideration of the:

- (1) Climatic conditions prevailing in the area of vehicle operation.
- (2) Effect on vehicle operational capability.
- (3) Special terrain requirements.
- (4) Availability of maintenance and service facilities.

§ 101-38.104-3 Consolidated purchase program.

(a) To achieve maximum benefits and economies, GSA (except as noted in § 101-26.501-1(a)), makes consolidated procurement of all motor vehicle types each year as follows:

(1) Two volume procurements of sedans and station wagons of the types covered by Federal standard 122, excluding family buys;

(2) Two volume procurements of the types covered by Federal standards 292 and 307, excluding family buys; and

(3) Three volume procurements of the types covered by Federal standard 794 and Federal specifications KKK-T-2107, 2108, 2109, 2110, 2111, and KKK-B-1579.

(b) Volume consolidated purchases are made after consolidation of requirements in accordance with the date set forth in § 101-26.501-4(a). Agencies should submit their requirements for the types of vehicles covered by Federal standards 122, 292, 307, and 794 and Federal specifications KKK-T-2107, 2108, 2109, 2110, 2111, and KKK-B-1579 that can be competitively procured, to the General Services Administration Automotive Commodity Center (FCA), Washington, DC 20406, in time for inclusion in the appropriate consolidated purchase as scheduled in § 101-26.501-4(a).

(c) When justified as indicated in § 101-26.501-4, requirements for sedans, station wagons, and light, medium, and heavy trucks will be consolidated and procured on a monthly basis.

(d) Requirements for sedans, station wagons, and light and medium trucks not covered by Federal standards 122, 292, 307, or 794 shall conform with the provisions of § 101-26.501-3(a), (b), and (c).

§ 101-38.104-4 Submission of requisitions and delivery orders.

Orders for all motor vehicles shall be submitted on GSA Form 1781, Motor Vehicle Requisition-Delivery Order, or DD Form 448, Military Interdepartmental Purchase Request (MIPR), to the General Service Administration ATTN: FCA, Washington, DC 20406, and shall contain required FEDSTRIP data for automated processing. The DOD shall ensure that appropriate MILSTRIP data are entered on DD Form 448.

(a) Requisitions covering vehicle types not included in Federal standards 122, 292, 307, 794, in a military specification, or in an agency specification on file with GSA, shall contain a complete description of the vehicles required, the intended use of the vehicles, and terrain where the vehicles will be used.

(b) Requisitions for vehicles covered by Federal standards 122, 292, 307, or 794 for which deviations from such Federal standards are required, unless already waived by the GSA, Automotive Commodity Center (FCA), shall include with the requisition a justification supporting each deviation from the Federal standards and shall contain a statement of the intended use of the vehicles, including a

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description of the terrain where the vehicles will be used. Prior approval of deviations shall be indicated on the requisition by citing the waiver authorization number.

(c) GSA Form 1781, Motor Vehicle Requisition-Delivery Order (See § 101-38.4902), has been specifically designed for agency use to expedite ordering of all vehicles. Agencies are requested to use GSA Form 1781 as a single-line-item requisition for nonstandard as well as standard vehicles. When ordering standard vehicles the appropriate item number for such vehicles equipped to meet specific operations needs may be selected from the applicable table in the Federal standards. Additional systems and equipment may be added by inserting in the "Standard Option(s)" portion of block 9 of the form, the appropriate code for the selected items from the table of options in the Federal standard. When ordering nonstandard vehicles or options, the instructions on the reverse of GSA Form 1781 shall be followed. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding the submission of requisition as set forth in paragraph (a) of this section.

(d) Each requisition shall indicate the appropriation/fund code to be charged and must bear the original signature of an officer authorized to obligate cited funds.

(e) A separate requisition shall be submitted for each vehicle type and consignee.

§ 101-38.104-5 Procurement leadtimes.

The following table shall be used to estimate deliver dates of motor equipment purchase by GSA for other agencies.

Federal supply classification (FSC) codes	Commodities	Lead time in calendar days
2310 [1]	Passenger vehicles	285
2310 [1]	Buses	370
2320 [1]	Light trucks 4 X 2 and 4 X 4 under 11,000 GVW	285
2320 [1]	All trucks over 11,000 GVW	350
2330 [1]	Trailers	285
4210	Fire trucks	400

[1] For vehicles in Federal Supply Classes 2310, 2320, and 2330 included in GSA's consolidated volume and monthly purchase programs, see § 101-38.104-6(d) for procurement and delivery time schedules.

§ 101-38.104-6 Procurement time schedules.

(a) Volume consolidated purchases. Requisitions covering vehicle types included in Federal standards 122, 292, 307, and 794, Federal specifications KKK-T-2107, 2108, 2109, 2110, 2111, and KKK-B-1579 will be consolidated for volume procurement unless a statement is included justifying the need for delivery other than the delivery times indicated in this section. Requisitions containing a statement of justification will be handled on a monthly basis in accordance with this section, or on an emergency basis in accordance with § 101-26.501-4(c).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-91, July 1989)

Schedule for Volume Consolidations

Vehicle category	Consolidated dates
A. Sedans and station wagons of types covered by Federal standard 122.	June 1 to Nov. 15 Nov. 16 to May 31
B. Light trucks of types covered by Federal standards 292 and 307.	June 16 to Dec. 1 [1] Dec. 2 to June 15
C. Medium and heavy trucks in accordance with Federal standard 794 and Federal specifications KKK-T-2107, 2108, 2109, 2110, 2111, and KKK-B-1579.	March 10 to Aug. 9 Aug. 10 to Dec. 15 Dec. 16 to March 9

[1] Agencies are cautioned that a solicitation covering requisitions for sedans and station wagons and light trucks received during this consolidation period will be issued only if bids can be obtained. Otherwise, such requisitions will be held for inclusion in the next volume consolidated procurement. Note: See § 101-26.501-4 for vehicle volume consolidation time schedules for medium and heavy duty trucks.

(b) Monthly consolidated purchases.

(1) Requirements for vehicles to be included in monthly consolidated purchases must be received by the General Services Administration, Automotive Commodity Center (FCA), Washington, DC 20406 by the dates indicated in the schedule set forth below. Requirements received after these dates will be carried over to the following month's purchase. In the interest of timely and orderly preparation of solicitations, ordering agencies are urged to submit each requirement as soon as it is finalized instead of holding it for submission with later requirements. Such requisitions need not specify a delivery date since delivery will be made in accordance with delivery times indicated in § 101-26.501-4(d). Requests for special handling for other than strictly emergency requirements shall not be submitted.

Schedule for Monthly Consolidations

Vehicle category	Consolidation dates
A. Passenger carrying vehicles and light trucks of types not covered by Federal standards 122, 292, or 307, and ambulances.	20th of each month.
B. Buses, trucks (other than light trucks in category (A) above), and trailers of not less than 5,000 lbs.	Last day of each month.
C. All other categories and types	Last day of each month. of vehicles.

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(2) Solicitations issued in July for the consolidated purchase of vehicles will cover only the requirements of those executive agencies with requisitions required by § 101-26.501-1 to be placed with GSA. (Submission of requirements for vehicles in categories A, B, and C above, is mandatory to the extent provided in § 101-26.501-1.)

(c) Emergency requirements. Emergency requirements will receive special handling only when the requisitions are accompanied by adequate justification for individual purchase actions. Every effort will be made to meet the delivery dates specified in the requisitions.

(d) Delivery time. Delivery times for motor vehicle requirements submitted for monthly consolidated and volume consolidated purchases will normally range from 210 to 330 days after final dates for consolidation of requisitions provided in § 101-26.501-4(a) and (b) (1). Included in delivery time estimates are 90 to 105 days required for soliciting and receiving bids, 30 to 45 days for evaluation and award of contracts, and 90 to 180 days from date of award for delivery of vehicles to the consigned locations. For buses, ambulances, and other special duty vehicles procured under monthly consolidated purchases, 240 to 270 days from date of award are usually required to effect delivery. However, special purpose vehicles with unique characteristics, such as certain types of firetrucks, may require longer delivery times. In such instances, every effort will be made by GSA to facilitate deliveries and keep the requisitioning agencies informed of any unanticipated delay.

§ 101-38.104-7 Forms used with delivery of motor vehicles.

(a) GSA Form 1398, GSA Purchased Vehicle. This form is used by the contractor to indicate that preshipment inspection and servicing of each vehicle have been performed. The contractor is required to complete GSA Form 1398 (See § 101-38.4902) and affix it, preferably, to the lock face or door frame of the right front door after the final inspection. The form should be left in place during the warranty period to permit prompt identification of vehicles requiring dealer repairs pursuant to the warranty.

(b) Standard Form 368, Quality Deficiency Report (Category II). To report and document deficiencies noted during the life of the vehicles, Standard Form 368 shall be prepared by the consignee and sent to GSA, describing details of vehicle deficiencies and actions taken for correction. Procedures for

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documenting and reporting quality deficiencies are set forth in the GSA Handbook, "Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (FPMR 101-26.8)". Agencies are urged to report all deficiencies to GSA irrespective of satisfactory corrective action taken by the manufacturer's authorized dealer. If the dealer refuses to take corrective action on any vehicle within its warranty period, the report shall so state and include an explanation of the circumstances. Standard Form 368 shall also be used to report all noncompliance with specifications or other requirements of the delivery order.

(c) *Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA. (Formerly GSA Form 6317.)* This information is printed on the reverse of the consignee copy of the delivery order. Personnel responsible for receipt and operation of Government motor vehicles should be familiar with the instructions and information contained on the reverse of the consignee copy of the delivery order.

§ 101-38.104-8 Notification of motor vehicle defects.

Section 151 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U. S. C. 1411), requires every manufacturer of motor vehicles to furnish notification of any defect in any motor vehicle or item of replacement equipment produced by the manufacturer which is determined to be, in good faith, related to motor vehicle safety, or of any motor vehicle or item of replacement equipment which he finds on good faith does not comply with an applicable Federal motor vehicle safety standard. Section 152 of the Act (15 U. S. C. 1412) requires such notice on the part of the manufacturer following notification by the Secretary of Transportation of such defects or nonconformity. The notification is sent by first class mail directly to the using activity of the motor vehicle or motor vehicle equipment, within a reasonable time after the manufacturer has discovered the defect or after notification by the Secretary of Transportation of the defect.

(a) Agencies must promptly act on motor vehicle defect notices to avoid accidents, loss of life, and costly repairs and nonavailability of vehicles due to these repairs. On newly procured vehicles, the manufacturers will send "Motor Vehicle Defect Notices" to the original consignee at the consignee's mailing address shown on the vehicle delivery order. However, agency heads shall notify manufacturers of the exact address to which "Motor Vehicle Defect Notices" are to be sent when vehicles are transferred within the Federal Government. Notification shall be made on all 1971 or later model vehicles. Agencies shall use the following format:

All identification information shall be annotated on the format as requested. TO: (Vehicle Manufacturer)[1]

Information on the motor vehicles listed is submitted to assist you in complying with section 151 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (15 U. S. C. 1411).

This notice covers (show number of vehicles) transferred vehicles.

a. Address of original owner of vehicle:

b. Address to which future motor vehicle defect notices are to be sent:

c. Complete manufacturer's vehicle identification:

Year	Model	Serial No.

d. Contractual identification:

GSA contract No. _____ Item No. _____.

(This information can be obtained from the GSA Form 1398, GSA Purchased Vehicle, which is located on the lock face or door frame of the right front door.)

[1] Addresses of manufacturers:

American Motors Corp., Fleet Sales
Department, 27777 Franklin Road,
Southfield, MI 48034 (for Jeep, Renault,
Eagle, and American Motors vehicles
only).

LTV Aerospace and Defense Co., AM
General Division, 701 West Chippewa
Avenue, South Bend, IN 46623 (Formerly
AM General of the American Motors
Corporation).

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101-38.104-8(a)

Ford Parts and Service Division, Service
Engineering Office, 3000 Schaefer Road,
P. O. Box 1904, Dearborn, MI 48121.

FWD Corporation, Director of Services, 105
East 12th Street, Clintonville, WI 54929.

International Harvester Co., 7927 Jones
Branch Drive, Suite 400, McLean, VA
22102.

Chrysler Motors Corporation, Product
Investigations and Government Liaison,
P. O. Box 1057, Detroit, MI 48288,
General Motors Corporation

Chevrolet Motor Division, Service
Department, Chevrolet Central Office,
30007 Van Dyke Avenue, Warren, MI
48090.

Buick Motor Division, Service Department,
902 East Hamilton Avenue, Flint, MI
48550.

Oldsmobile Motor Division, Service
Department, 920 Townsend Street,
Lansing, MI 48921.

Pontiac Motor Division, Service Department,
One Pontiac Plaza. Pontiac, MI 48053.

GMC Truck & Bus Group, Federal
Government Sales, 31 Judson Street,
Pontiac, MI 48058.

Mack Trucks, Inc., 2100 Mack Blvd., P. O. Box
M, Allentown, PA 18105-5000

Thomas Built Buses, Inc., 1408 Courtesy
Road, P. O. Box 1849, High Point, NC
27261.

Volvo White Truck Corporation. Supervisor,
Vehicle Service and Safety Programs,
P. O. Box D-1, Greensboro, NC 27402.

(b) When motor vehicles are manufactured by a company other than shown in this subpart and the address is unknown, agencies shall forward the vehicle location address to the General Services Administration, ATTN: FCA, GSA Washington, DC 20406. GSA will forward the vehicle location address to the manufacturer or advise the agency concerned of the correct address of the manufacturer.

Subpart 101-38.2-Registration, Identification, and Exemptions**§ 101-38.200 General requirements.**

(a) Official U. S. Government tags shall be used on all Government-owned or- leased motor vehicles, unless specifically exempted by this subpart.

(b) Each motor vehicle acquired for official purposes (except vehicles exempted by this subpart) shall display the legends "For Official Use Only"(in letters not less than 1/2 inch and not over 3/4 inch high) and "U. S. Government"(in letters not less than 3/4 inch and not over 1 inch high) and agency identification as provided in this subpart. Motor vehicles of the Department of Defense shall be governed by § 101-38.203-2.

(c) Where motor vehicles display agency identification in accordance with this subpart, such identification shall be replaced when necessary due to damage or wear, and should be accomplished without excessive expense.

(d) Motor vehicles rented from private or commercial sources for a period of less than 6 months and used primarily for off-highway work need not display the legends "For Official Use Only" and "U. S. Government" and agency identification; however, such vehicles leased for periods of 6 months or longer shall display official U. S. Government tags and agency identification as prescribed in the subpart. Sedans and station wagons acquired for periods of 60 continuous days or more must be identified in accordance with § 101-38.203-1(a).

(e) Motor vehicles (other than military design motor vehicles) acquired for official purposes, exempted by the provisions of this subpart from the display of official U. S. Government tags and other identification, shall carry the regular license plates issued by the State, Commonwealth, territory, or possession in which each motor vehicle is principally operated, or issued by the District of Columbia if the motor vehicle is regularly based in the District of Columbia. In addition, these vehicles are exempted from other requirements (forms, etc.) as specified in this subpart.

(f) Exemptions, in addition to those authorized in §§ 101-38.204-1 and 101-38.204-2, may be authorized by the head of the agency or designee upon written certification to GSA that conspicuous identification will interfere with the purpose for which the motor vehicle is used. Approval by GSA will not be required. The certification must state that the motor vehicle(s) is (are) acquired and used primarily for the purpose of investigative, law enforcement, or intelligence duties involving security activities or for safety of the vehicle's occupant(s), and that the identification of the motor vehicle(s) would interfere with the discharge of such duties or endanger the security of individuals or the United States Government. Certification shall be sent to the General Services Administration, FBF, Washington, DC 20406. Vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties involving security activities shall not be exempt. All exemptions granted under the provisions of this § 101-38.200(f) are limited to 1 year. If the requirement for exemption still exists at the end of the year, the certification shall be resubmitted to GSA.

(g) Certain organizational units of Federal agencies may be authorized to remove official Government markings whenever the agency head or designee determines that temporary removal and substitution of license plates issued by the appropriate State, Commonwealth, territory, or possession, is in the public interest. A written determination and justification for temporary removal of official Government markings shall be submitted to the General Services Administration, ATTN: FBF, Washington, DC 20406.

§ 101-38.201 Registration and inspection.**§ 101-38.201-1 In the District of Columbia.**

(a) All motor vehicles acquired for official purposes which are regularly based or operated in the District of Columbia shall be registered with the District of Columbia, Department of Transportation. Each motor vehicle shall be reregistered each year. Special forms for registering motor vehicles are available from the District of Columbia, Department of Transportation. There is no charge for this service.

(b) The District of Columbia Code requires that application for registration of title be accompanied by a certificate of origin, bill of sale, or other document attesting Government ownership.

(c) Each registered motor vehicle shall be inspected annually in accordance with section 40-204 of the District of Columbia Code and applicable regulations. Those motor vehicles that pass inspection will be provided a current Approval Inspection Sticker by the District of Columbia, Department of Transportation. There is no charge for this service.

101-38.201-1(b)

§ 101-38.201-2 Outside the District of Columbia.

Motor vehicles acquired for official purposes and regularly operated outside of the District of Columbia need not be registered in the States, Commonwealth, territories, or possessions in which they are primarily used, except that motor vehicles exempted under § 101-38.200(f) and § 101-38.204 shall be registered and inspected in accordance with the laws of the State, Commonwealth, territory, or possession.

§ 101-38.202 Tags.

§ 101-38.202-1 In the District of Columbia.

(a) The District of Columbia Code, section 40102(b) (2) requires the issuance of certificates of registration and identification tags, without charge, for all motor vehicles owned by the Government at the time the vehicle is registered or reregistered as prescribed in § 101-38.201.

(b) Government-owned or -leased motor vehicles registered in the District of Columbia under § 101-38.201-1 and displaying official U. S. Government tags may have the letter code designation prescribed in § 101-38.202-4 stenciled in the blank space beside the embossed numbers. The letter code designation, if used, is to be stenciled on the tag in such a manner that the size and color of the letters are the same as, or similar to, the embossed numbers.

(c) Official U. S. Government tags issued by the District of Columbia, may be transferred, after approval by the Director of Transportation of the District of Columbia, only to another Government-owned or -leased motor vehicle of the same executive agency operating that vehicle in the District of Columbia. Damaged or mutilated tags removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia. Department of Transportation for cancellation. Whenever motor vehicles regularly based or operated in the District of Columbia are transferred for operation in a field area, transferred to another agency, or removed from Government service, the official U. S. Government tags issued by the District of Columbia shall be removed and delivered to the District of Columbia, Department of Transportation for cancellation.

§ 101-38.202-2 Outside the District of Columbia.

(a) Federal agencies operating motor vehicles acquired for use outside the District of Columbia shall obtain official U. S. Government tags from the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079. Those vehicles exempt under § 101-38.200(f) and § 101-38.204 must be licensed in the State, Commonwealth, territory or possession in which the vehicle is regularly operated.

(b) When ordering tags, the following applies:

(1) Purchase orders shall include the code letters and numbers to be imprinted on the tags; the dates on which deliveries are required; the consignee and shipping instructions; the symbol number of the appropriation to be charged; and the signature of an officer authorized to obligate the cited appropriation.

(2) For obligating purposes, the ordering agency should consult the Current Price List of Industrial Products and Services issued by the Superintendent of Industries. Federal agencies may request that they be added to the mailing list to receive the price lists by contacting the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(3) When requested by the ordering agency, tags will be shipped directly to field stations. If the size of the shipment requires the use of a Government bill of lading, the bill of lading shall accompany the purchase order. If the size of the shipment permits mailing, the

Department of Corrections will supply the necessary postage and will add the cost to the invoice.

(4) Upon receiving the appropriate billing document, payment is to be made directly to the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(c) Subject to § 101-38.303-1, tags may be transferred to a new motor vehicle acquired for official purposes, returned to stock for reuse, or voided against further use as determined by the head of the owning agency, or designee. Tags which are voided shall be defaced or destroyed to prevent re-use.

§ 101-38.202-3 Records.

Each executive agency shall maintain a centralized record of all official U. S. Government tags in use on Government- owned and -leased motor vehicles for which that agency is accountable. Such records shall specify the motor vehicle for which the tags are assigned and shall include complete information regarding the reassignment of tags and a list of destroyed and/or voided tag numbers.

§ 101-38.202-4 Numbering and coding.

Official U. S. Government tags, except tags issued by the District of Columbia, Department of Transportation under § 101-38.203-1, shall be numbered serially for each executive agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

ACTION	ACT
Agriculture, Department of	A
Air Force, Department of	AF
Army, Department of the	W
Commerce, Department of	C
Consumer Product Safety Commission.	CPSC
Corps of Engineers, Civil Works	CE
Defense Commissary Agency	DECA
Defense Contract Audit Agency	DA
Defense, Department of	D
Defense Logistics Agency	DLA
District of Columbia Redevelopment Land Agency.	LA
Education, Department of	ED
Energy, Department of	E
Environmental Protection Agency	EPA
Executive Office of the President Council of Economic Advisers, National Security Council, Office of Management and Budget.	EO
Export-Import Bank of the United States.	EB
Federal Communications Commission.	FC
Federal Deposit Insurance Corporation.	FD
Federal Emergency Management Agency.	FE
Federal Home Loan Bank Board	FB
Federal Mediation and Conciliation	FM

Service.

Federal Reserve System	FR
Federal Trade Commission	FT
General Accounting Office	GA
General Services Administration	GS
Government Printing Office	GP
Health and Human Services, Department of.	HHS
Housing and Urban Development, Department of.	H
Interagency Fleet Management System, GSA.	G
Interior, Department of the	I
Interstate Commerce Commission	IC
Judicial Branch of the Government	JB
Justice, Department of	J
Labor, Department of	L
Legislative Branch	LB
Marine Corps	MC
National Aeronautics and Space Administration.	NA
National Capital Housing Authority	NH
National Capital Planning Commission.	NP
National Guard Bureau	NG
National Labor Relations Board	NL
National Science Foundation	NS
Navy, Department of the	N
Nuclear Regulatory Commission	NRC
Office of Personnel Management	OPM
Panama Canal Commission	PC
Railroad Retirement Board	RR
Renegotiation Board	RB
Securities and Exchange Commission.	SE
Selective Service System	SS
Small Business Administration	SB
Smithsonian Institution National Gallery of Art	SI
Soldiers' and Airmen's Home, U. S.	SH
State, Department of	S
Tennessee Valley Authority	TV
Transportation, Department of	DOT
Treasury, Department of the	T
United States Information Agency	IA

United States Postal Service

P

Veterans Affairs, Department of

VA

§ 101-38.202-5 Requests for additional code designations.

Additional code designations are issued by GSA upon written request to General Services Administration, ATTN: FBF, Washington, DC 20406.

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101-38.202-6(a)**§ 101-38.202-6 Display of tags.**

(a) Each motor vehicle acquired for official purposes (except vehicles exempted by § 101-38.200(f) and 101-38.204) shall display official U. S. Government tags mounted on the front and rear of the vehicle, except two-wheeled vehicles, which require rear tags only. Motor vehicles of the DOD are governed by applicable departmental directives.

(b) Official U. S. Government tags shall be displayed on the motor vehicle to which originally assigned until the vehicle is removed from Government service or transferred, or until the tags are mutilated or defaced so as to necessitate their replacement.

§ 101-38.202-7 Lost or stolen tags.

Agency fleet managers, upon receipt of information on lost or stolen tags, should report the loss or theft to their local office of security (or equivalent) or the issuing Fleet Management System, as applicable. District of Columbia tags or other State tags which are lost or stolen should be reported to the District of Columbia, Department of Transportation, or the appropriate State agency.

§ 101-38.203 Agency identification.

The full name of the department, agency, establishment, corporation, or service owning the vehicle, or a title descriptive of the service in which it is operated (if such a title readily identifies the department, agency, establishment, corporation, or service concerned), shall be displayed conspicuously in letters contrasting to the color of the vehicle. This identification for other than vehicle windows shall be in letters between 1 inch high and 1 1/2 inches high. Subsidiary words, or titles of subordinate units, if used, shall be in letters between 1/2 inch and 3/4 inch high. The identification should be applied through the use of decals (elastomeric pigmented film type). Each agency is responsible for acquiring its own decals. For examples of suggested possible arrangements, see § 101-38.4801. Law enforcement vehicles shall not be bound by the dimension requirements contained in this section. Identification on vehicle windows shall be of sufficient size to convey the proper legends and agency identification.

§ 101-38.203-1 Civilian agencies

Except as provided in § 101-38.200(d), § 101-38.200(f) and § 101-38.204, all Government-owned or leased motor vehicles shall be conspicuously identified by displaying the legends "For Official Use Only" and "U. S. Government," and immediately below the legends, the agency identification of the agency operating the vehicle. The legends and agency identification are to be located as follows:

(a) On motor vehicles: On the left side of the rear window, not more than one- and-one half inches from the bottom of the window.

(b) On motor vehicles without rear windows or where the markings on the rear window are not conspicuous: Centered on both front doors or in any appropriate position on each side of the vehicle.

(c) On trailers: Centered on both sides of the front quarter of the trailer in a conspicuous location.

§ 101-38.203-2 Department of Defense.

Commercial design motor vehicles of the Department of Defense (DOD) shall display the legend "For Official Use Only," an appropriate title for the DOD component, and the registration number assigned by the DOD component controlling the vehicle. Those vehicles operating within the District of Columbia must comply with § 101-38.201-1.

§ 101-38.203-3 Removal of legend and agency identification.

Whenever a vehicle is permanently removed from Government service, all agency identification and any other Government identification shall be removed from the vehicle before transferring the title or delivering the vehicle.

§ 101-38.204 Exemptions.**§ 101-38.204-1 Unlimited exemptions.**

Unlimited exemptions from the requirement to display official U. S. Government tags and other identification are granted to the organizational activities of the agencies listed below, subject to the provisions of § 101-38.204-4.

(a) Administrative Office of the United States Courts. All motor vehicles

operated by United States probation offices and pretrial services agencies of the judicial branch of the U. S. Government.

(b) Agriculture, Department of. Motor vehicles that the Agricultural Marketing Service, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Forest Service, Packers and Stockyards Administration, Food and Nutrition Service, and Office of the Inspector General use in the conduct of investigative or law enforcement activities.

(c) Commerce, Department of. Motor vehicles operated by the Office of Export Enforcement, International Trade Administration, and the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, for surveillance and other law enforcement activities.

(d) Defense, Department of. Motor vehicles used for intelligence, investigative, or security purposes, including such vehicles used by the U. S. Army Intelligence Agency and the Criminal Investigation Command of the Department of the Army; Office of Naval Intelligence of the Department of the Navy; Office of Special Investigations of the Department of the Air Force; and the Defense Criminal Investigative Service, Office of the Inspector General.

(e) District of Columbia. Motor vehicles operated by St. Elizabeths Hospital in out-patient work where the identification of the vehicles would be prejudicial to the patient.

(f) Education, Department of. Motor vehicles operated by the Office of the Inspector General for law enforcement and investigative purposes.

(g) Energy, Department of. Motor vehicles that the Department of Energy uses in the conduct of security or investigative operations.

(h) Federal Communications Commission. Motor vehicles operated by the Field Operations Bureau for investigative purposes.

(i) Health and Human Services, Department of. Motor vehicles operated by the Food and Drug Administration in undercover law enforcement and similar investigative work; motor vehicles operated by St. Elizabeths Hospital in out-patient work where the identification of the vehicles would be prejudicial to the patient; one vehicle operated by the National Institutes of Health in transporting mentally disturbed children; and motor vehicles operated by the Office of Investigations and Office of the Inspector General that are used for law enforcement and investigative purposes.

(j) Interior, Department of the. Those motor vehicles operated by the U. S. Fish and Wildlife Service in the enforcement of Federal game laws; motor vehicles assigned to the special agents of the Bureau of Land Management whose duties are to investigate crimes against public lands; motor vehicles assigned to special officers of the Bureau of Indian Affairs; and motor vehicles assigned to the special agents of the Office of Inspector General whose duties are to investigate possible crimes of fraud and abuse by departmental employees and its contractors and grantees.

(k) Justice, Department of. All motor vehicles operated in undercover law enforcement activities or investigative work by the Department.

(l) Labor Department of. All motor vehicles used for investigation, law enforcement, and compliance by the Manpower Administration (Bureau of Apprenticeship and Training); Labor-Management Services Administration; Occupational Safety and Health Administration; Employment Standards Administration; and Mine Safety and Health Administration.

(m) National Aeronautics and Space Administration. Motor vehicles that the National Aeronautics and Space Administration uses in the conduct of investigation or law enforcement activities.

(n) National Labor Relations Board. Motor vehicles that the field offices use for investigative activities.

(o) National Security Council. All motor vehicles operated by the Central Intelligence Agency.

(p) Nuclear Regulatory Commission. Motor vehicles that the Nuclear Regulatory Commission designates for use in the conduct of security operations or in the enforcement of security regulations.

(q) Office of Personnel Management. Motor vehicles designated by the U. S. Office of Personnel Management for use in the investigative program of the Office of Personnel Investigations and Regional Investigation activities.

(r) Postal Service, United States. Motor vehicles that the Postal

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Inspection Service uses for investigative and law enforcement activities.

(s) State, Department of. All motor vehicles designated for the protection of both domestic and foreign dignitaries and motor vehicles used in the investigations of passport and visa fraud cases.

(t) Transportation, Department of. All motor vehicles used for intelligence, investigative, or security purposes by the DOT Office of Inspector General; the OST Office of Security; the Intelligence and Security Division and field counterparts in the U. S. Coast Guard; the Office of Civil Aviation Security and field counterparts in the Federal Aviation Administration.

(u) Treasury, Department of the. All motor vehicles operated by the U. S. Secret Service; Intelligence Division, Internal Security Division, and vehicles used for investigative purposes by the Collection Division of the Internal Revenue Service; the Office of Criminal Enforcement and Office of Internal Affairs of the Bureau of Alcohol, Tobacco, and Firearms; and Office of Enforcement, Office of Management Integrity, Office of Internal Affairs and Office of Patrol of the U. S. Customs Service.

§ 101-38.204-2 Special exemptions.

All vehicles assigned for the personal use of the President and the heads of executive departments as enumerated in 5 U. S. C. 101 are exempt from the requirement to display official identification. All vehicles, other than those assigned for the personal use of the President, shall display the official U. S. Government tags.

§ 101-38.204-3 Requests for exempted motor vehicles in the District of Columbia.

The head of each executive agency shall designate an official to approve requests for regular District of Columbia tags for motor vehicles exempted from carrying U. S. Government tags and other identification. Agencies shall furnish the name and facsimile signature for each representative to the District of Columbia, Department of Transportation, annually.

§ 101-38.204-4 Report of exempted motor vehicles.

The head of each executive agency shall submit a report, upon request, to the General Services Administration, ATTN: FBF, Washington, DC 20406, concerning motor vehicles exempted under Subpart 101-38.2. Interagency report control number 1537-GSA-AR has been assigned to this reporting requirement.

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Subpart 101-38.3--Official Use of Government Motor Vehicles**§ 101-38.300 Scope.**

This subpart prescribes the requirements governing the use of Government motor vehicles acquired for official purposes.

§ 101-38.301 Authorized use.

Officers and employees of the Government shall use Government-owned or -leased motor vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his or her domicile and place of employment, unless authorized under the provisions of 31 U. S. C. 1344, or other applicable law. A copy of any written approval shall be maintained at the appropriate level within the agency and a copy furnished to GSA if the vehicle concerned is provided through the Interagency Fleet Management system. Each agency should establish procedures to monitor and control the use of its vehicles at all times. Officers and employees entrusted with a motor vehicle are responsible for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who uses or authorizes the use of such vehicle for other than official purposes is subject to a suspension of at least 1 month or, up to and including, removal by the head of the agency (31 U. S. C. 1349).

§ 101-38.301-1 Contractors' use.

Heads of agencies are responsible for ensuring:

(a) that the employees of contractors and subcontractors use Government-owned or -leased motor vehicles for official purposes only ("Official purposes" do not include transportation of a contractor's employee between domicile and place of employment unless specifically provided for under the terms of the contract, and approved in writing by the contracting officer or otherwise provided by law);

(b) that employees of contractors and subcontractors authorized to use Government motor vehicles use such vehicles solely in the performance of the Government contract and subcontract thereunder;

(c) that such contractors and subcontractors establish and enforce suitable penalties for their employees who use or authorize the use of such vehicles for other than official purposes; and

(d) that appropriate provision is made for the assumption by the contractor or subcontractor of any cost or expense incident to use not related to the performance of the contract without the right of reimbursement from the Government for such cost or expense.

§ 101-38.301-2 Violations.

Whenever the Administrator of General Services becomes aware of any violation of the provisions of § 101-38.301 or § 101-38.301-1 concerning the unauthorized use of Government motor vehicles, the Administrator, GSA, shall report the violation to the Head of the agency in which the vehicle operator is employed, for further investigation and appropriate disciplinary action under 31 U. S. C. 1349, or where appropriate, referral to the Attorney General for prosecution under 18 U. S. C. 641.

§ 101-38.301-3 Violation of State and local motor vehicle traffic laws.

Operators of Government-owned or -leased motor vehicles shall become familiar with and obey all motor vehicle traffic laws of the State(s) and local jurisdictions in which they operate. Violation of State or local motor vehicle traffic laws can result in fines and/or imprisonment of the motor vehicle operator.

(a) Fines imposed on a Government employee for an offense committed by him or her while in the performance of, but not as a part of, the employee's official duties are imposed on the employee personally and payment thereof is his or her personal responsibility. This includes fines imposed for parking violations while operating a Government-owned or -leased motor vehicle. However, reimbursement of parking fees is normally allowed when the fees are incurred by Federal employees in the performance of their official duties.

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(b) Except when the scope of their employment dictates otherwise, operators of Government motor vehicles shall obey posted speed limits. Operators will also be cognizant of the effects that weather and traffic conditions have on travel speeds.

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Subpart 101-38.4--Use of Replacement Standards

§ 101-38.400 Applicability.

The motor vehicle replacement standards prescribed in this subpart are the minimum standards to be used by all executive agencies desiring to replace motor vehicles. Executive agencies may retain motor vehicles that are in usable and workable condition even though the standard permits replacement, provided that the vehicle can be used or operated an additional period without excessive maintenance cost or substantial reduction in resale value. The fuel economy criteria set forth in § 101-38.101-3 must be followed in acquiring replacement vehicles.

§ 101-38.401 Use standards.**§ 101-38.401-1 Gasoline for use in motor vehicles.**

Under Environmental Protection Agency (EPA) regulations, codified in 40 CFR Part 80, unleaded (0.05 gm/gal.) gasoline shall be used in 1975 or later model year Government-operated motor vehicles designed to operate on such fuel (passenger carrying vehicles and trucks up to and including 6000 lbs. GVWR) within the 50 States. For earlier model year Government-operated motor vehicles within the 50 States, unleaded or low-leaded content (0.5 gm/gal.) gasoline shall be used unless it is clearly impractical to do so.

(a) Government-operated motor vehicles used overseas shall be fueled in accordance with this subpart unless---

(1) Such use would be in conflict with country-to-country or multinational logistics agreements; or

(2) Such gasolines are not available locally.

(b) The cost of gasoline shall not be a factor in determining the feasibility of using unleaded or lowlead content gasoline in earlier model year Government-operated motor vehicles. Manufacturer,s recommendations for octane requirements and minimum lead content should be followed.

(c) Under no circumstances should premium gasoline be used in Government-owned vehicles, except for those vehicles that require premium gasoline.

§ 101 38.401-2 Use of self-service pumps.

Heads of agencies shall require the use of self-service pumps by their motor vehicle operators when purchasing fuel at commercial service stations with self-service pumps. When possible, operators should minimize the cost of fuel purchases by using service stations which accept the Standard Form 149, U. S. Government National Credit Card, (see § 101-38.4901) for gasoline purchases at self-service pumps. The following exemptions from this policy may apply:

(a) The non-availability of self-service pumps at a service station under Defense Fuel Supply Center contract for fuel;

(b) The physical limitations of the vehicle operator;

(c) The refusal by a service station to honor the SF 149 for fuel pumped at self- service islands; and

(d) Severe weather conditions.

§ 101-38.402 Replacement standards.

(a) Table of minimum replacement standards.

Vehicle Description	Life expectancy	
	Years	Miles
Passenger vehicles:		
Sedans/Station Wagons	6	60,000
Ambulances	7	60,000
Buses:		
Intercity-Type	N/A	280,000
City-Type	N/A	150,000
School-Type	N/A	80,000
Trucks:		
Less than 12,500 pounds GVWR	6	50,000
12,500-23,999 GWR	7	60,000
24,000 pounds and over	9	80,000
4- or 6-wheel drive vehicles	6	40,000

(b) *Exceptions.* If a motor vehicle has been wrecked or damaged (including wear caused by

abnormal operating conditions) beyond economical repair, the vehicle may be replaced without regard to replacement standards in this § 101-38.402 after review by the head of the executive agency or his or her designee.

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Subpart 101-38.5--Scheduled Maintenance**§ 101-38.500 Scope and applicability.**

This subpart prescribes agency requirements and guidelines covering a maintenance program for Government-owned motor vehicles, and is applicable to all agency-owned motor vehicles located in any State, Commonwealth, territory, or possession of the United States.

§ 101-38.501 Agency requirements.

Each executive agency shall establish a scheduled maintenance program for all of its Government-owned motor vehicles.

§ 101-38.502 Guidelines.

(a) A scheduled maintenance program should include a recorded, systematic procedure for the servicing and inspection of motor vehicles to:

- (1) Ensure their safe and economical operating condition throughout the period of use;
- (2) Meet established emission standards; and
- (3) Meet warranty requirements.

(b) Agencies will ensure that all Government-owned, commercial design motor vehicles, model year 1976 and later, have inspection and servicing, including tune-ups, performed in accordance with the manufacturers' recommended schedules and specifications, or more frequently if local operating conditions require. Agencies should continue to perform inspections and servicing of model year 1975 and earlier Government-owned, commercial design motor vehicles in accordance with their established maintenance schedules and specifications.

(c) Proper maintenance ensures that Government-owned vehicles---

- (1) Operate in the most energy efficient manner and
- (2) Meet Federal and State emission standards, including safe and proper operation of the catalytic converter, during their warranted life.

§ 101-38.503 Compliance with State inspection programs.

(a) When required by State motor vehicle administrations, executive agencies will comply with all Federally-mandated motor vehicle emission inspection programs. Federal agencies will reimburse State activities for the cost of these emission inspections, unless the State waives the inspection fee.

(b) Motor vehicles authorized to display State, Commonwealth, territory, or District of Columbia license plates in accordance with §§ 101-38.200(f) and 101-38.204 will comply with required State mechanical and emission inspections. The cost of these inspections, including associated certificates or stickers, will be the responsibility of the using agency.

§ 101-38.504 Assistance to agencies.

GSA will make available fleet management technicians, on a reimbursable basis, to assist agencies in establishing or revising their scheduled maintenance programs. Requests for fleet management assistance shall be submitted by owning agencies to the General Services Administration, ATTN: FBF, Washington, DC 20406.

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Subpart 101-38.6--Reporting Motor Vehicle Accidents**§ 101-38.600 Scope and applicability.**

This subpart provides for the availability of certain standard forms for use in reporting any accident involving a Government-owned or leased motor vehicle. Use of these forms is recommended for all executive agencies owning or using motor vehicles that are located within any State, Commonwealth, territory, or possession of the United States.

§ 101-38.601 Accident reporting forms and their use.

The standard forms available to all executive agencies for use in reporting motor vehicle accidents are listed below. Accident reports pertaining to agency-owned or -leased vehicles shall be processed in accordance with applicable agency directives. Accident reports pertaining to Interagency Fleet Management System vehicles shall be processed in accordance with Subpart 101-39.4.

(a) Standard Form 91, Operator's Report of Motor Vehicle Accident (see § 101-38.4901), should be completed at the time and on the scene of the accident, insofar as possible, regardless of the extent of injury or damage. A Standard Form 91 should be carried at all times in Government-owned and leased motor vehicles.

(b) Standard Form 91-A, Investigation Report of Motor Vehicle Accident (see § 101-38.4901), should be completed by the person responsible for investigating an accident.

(c) Standard Form 94, Statement of Witness (see § 101-38.4901), should be carried at all times in Government-owned and leased vehicles and should be completed by persons who witness an accident. Standard Form 94 has been approved by the Office of Management and Budget under OMB control number 3090-0033.

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Subpart 101-38.7-Transfer, Storage, and Disposal of Motor Vehicles**§ 101-38.700 Scope and applicability.**

This subpart prescribes guidelines for the transfer, storage, and disposal of Government-owned motor vehicles and is applicable to all Government-owned, -rented, and -leased motor vehicles of an executive agency located in any state, Commonwealth, territory or possession of the United States.

§ 101-38.701 Transfer of title to Government-owned motor vehicles.

(a) When disposing of a Government-owned motor vehicle, executive agencies shall use one of the two methods listed below for transfer of ownership:

(1) All Government-owned motor vehicles to be titled by State motor vehicle activities shall be transferred by executing Standard Form (SF) 97, the United States Government Certificate to Obtain Title to a Vehicle (see § 101-38.4901-97). The use of this form in foreign countries is optional.

(2) SF 97 will be used only when motor vehicles owned by the Government are sold to parties who intend to title the vehicle for operation on highways. Vehicles that are either not designed to operate on highways or are deemed as not legal for operation on highways will be conveyed using an appropriate bill of sale or award document, such as Optional Form 16, Sales Slip-Sale of Government Personal Property, of SF 114, Sale of Government Property-Bid and Award. Vehicles commonly included in this category include construction equipment, farm machinery, and certain military design vehicles.

(3) All SF 97 certificates and copies shall be stocked as an accountable form and serially numbered with pre-printed numbers assigned by the printing activity. Each agency shall have an accountable officer who will be responsible for the requisition, storage, and issuance of SF 97. Certificates showing erasures or strikeovers may be considered invalid by State motor vehicle agencies and may not be honored. Proper precautions shall be exercised by agencies to prevent blank copies of SF 97 from being obtained by unauthorized persons.

(4) Standard Form 97 is a 4-part set printed on continuous feed paper. The original certificate is produced on secure paper to readily identify any attempt to alter the form. Upon completion of the set, SF 97 shall be furnished the purchaser or donee; one copy of SF 97 shall be furnished the owning agency; and one SF 97 shall be furnished the contracting officer of the agency effecting sale or transfer of the motor vehicle. The disposition of the fourth copy shall be assigned by the owning agency.

(b) These requirements are not subject to the provisions of Pub. L. 96-511, Paperwork reduction Act, and Federal Information Resources Management Regulation (FIRMR) 41 CFR 201-9.202-2, Interagency Reports Management Program. (Also see § 101-45.303-3.)

§ 101-38.702 Storage.

Government-owned, -rented, and -leased motor vehicles of an agency should be stored so as to provide reasonable protection from pilferage or damage. In the interest of economy, open storage should be used whenever practicable and feasible. The determination as to whether or not it is "practicable or feasible" to use open storage space or a particular type of storage space at a particular location must be made by the agency after considering the nature of program demands and special requirements at that location. All unattended Government-owned or -leased motor vehicles should be locked, unless they are stored or parked in a closed building or enclosure.

§ 101-38.702-1 Procurement of parking accommodations.

Before acquiring other than temporary parking accommodations in urban centers (see § 101-18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101-17.101-6.

§ 101-38.703 Sale of motor vehicles.

GSA will not solicit trade-in bids when purchasing new motor vehicles for replacement purposes under the consolidated program. Used vehicles that are being replaced will be disposed of by sale as set forth in Part 101-46.

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Subpart 101-38.8--Standard Form 149, U. S. Government National Credit Card

§ 101-38.800 General.

(a) Standard Form (SF) 149, U. S. Government National Credit Card, is authorized for use by Federal agencies to obtain services and supplies at service stations dispensing items provided by contractors listed in the Defense Fuel Supply Center publication, "Government Vehicle Operator's Guide-Your Guide to Service Stations for Gasoline, Oil, and Lubrication" (DFSCH 4280.1). Activities requiring copies of the publication should submit requests to: Commander, Defense Fuel Supply Center, Attention: DSFC:OD, Cameron Station, Alexandria, VA 22304-6160.

(b) The SF 149 is the only Government-wide credit card approved for use by Federal agencies for the procurement of gasoline and services at service stations dispensing items provided by the contractors listed in the Defense Fuel Supply Center publication reference d in paragraph (a) of this § 101-38.800. However, agencies are not required to use the SF 149 for motor vehicles used for purposes in which identification as Government vehicles would interfere with the performance of the functions for which the vehicles were acquired and are used. Motor vehicles included in the exception for the use of SF 149 are listed in § 101-38.200(f) and 101-38.204.

(c) GSA will provide centralized management and control of the SF 149 program. Inquiries concerning the policy and administration of this program shall be directed to the General Services Administration, ATTN: FBF, Washington, DC 20406.

(d) Federal agencies are responsible for the establishment of administrative controls to ensure that the fuel and services procured by using the SF 149 are for the official use of the agency and that administrative controls are maintained to prevent unauthorized use of the SF 149. The General Services Administration, ATTN: FBF, Washington, DC 20406, will provide assistance in establishing automated SF 149 ordering procedures and management reporting systems.

(e) The SF 149 may only be used for any properly identified U. S. Government vehicle, boat, small aircraft, nonvehicular equipment, or motor vehicle that is leased or rented for 60 continuous days or more and is officially identified in accordance with § 101-38.202.

§ 101-38.801 Obtaining SF 149, U. S. Government National Credit Card.

GSA has developed ordering instructions for use by Federal agencies for the acquisition of the SF 149 and for reporting the status of the credit cards issued. Copies of the instructions may be obtained by contacting the General Services Administration, ATTN: FBF, Washington, DC 20406.

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Subpart 101-38.9--Federal Motor Vehicle Fleet Report

§ 101-38.900 Scope.

This subpart sets forth the responsibility of all Federal agencies for developing policies and procedures for maintaining and reporting inventory, cost, and operating data on Government-owned and -leased vehicles.

§ 101-38.901 General.

From the data submitted by Federal agencies on Standard Form 82, Agency Report of Motor Vehicle Data, GSA will prepare and issue the "Federal Motor Vehicle Fleet Report." This report is a summary of the data submitted by agencies and is used to evaluate and analyze operations and management of the Federal motor vehicle fleet. GSA supplies copies of this report to the Congress, Federal agencies, and to other organizations upon request.

§ 101-38.902 Records.

Each owning agency is responsible for developing adequate accounting and reporting procedures to ensure accurate reporting of inventory, cost, and operating data needed for the management and control of motor vehicles.

§ 101-38.903 Reporting of data.

(a) Federal agencies shall use Standard Form 82, Agency Report of Motor Vehicle Data, to report vehicle inventory, cost, and operating data to GSA. Interagency Report Control Number 1102-GSA-AN has been assigned to this reporting requirement. (See § 101-38.4901.)

(b) The Standard Form 82 is divided into three sections. Sections I and III of the form are for reporting data relating to agency-owned and -leased vehicles and are to be completed by all agencies. Section II of the form is for reporting data for large fleets of agency-owned vehicles. Detailed instructions for preparation of this form are located on the reverse of the form.

(1) Each owning agency shall submit a Standard Form 82 to GSA within 75 calendar days after the end of the fiscal year.

(2) Agencies shall report data for domestic fleets and foreign fleets on separate Standard Forms 82.

(3) If any vehicles are loaned to another executive agency during the reporting period, the owning agency shall report all data pertinent to the loaned vehicles.

(4) If accountability for a vehicle is transferred from one owning agency to another during the reporting period, each agency shall report those data appropriate to the period of time during which it retained accountability.

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SUBPART 101-38.10 (RESERVED)

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Subpart 101-38.48--Exhibits

§ 101-38.4800 Scope of subpart.

This subpart exhibits information referenced in the text of Part 101-38 that is not suitable for inclusion in that part.

§ 101-38.4801 Examples of agency legends and identification.

	Letter height [1] (inches)	Legend Minimum	Maximum
For Official Use Only	1/2	3/4	
U. S. Government	3/4	1	
Department of the Interior	1	1 1/2	
Bureau of Reclamation	1/2	3/4	
For Official Use Only	1/2	3/4	
U. S. Government	3/4	1	
Department of Energy	1	1 1/2	

[1] Sizes are applicable to other than those used in vehicle windows.

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SUBPART 101-38.49 FORMS

Subpart 101-38.49--Forms

§ 101-38.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with the subject matter covered in Part 101-38. These forms are designed to provide uniform methods of requesting and transmitting motor vehicle management information and uniform documentation of transactions among Government agencies and between Government agencies and related commercial motor vehicle industries.

§ 101-38.4901 Standard Forms; availability.

Standard forms referenced in this Part unless otherwise provided in the section prescribing the form, may be obtained by submitting a requisition in FEDSTRIP format to the GSA regional office providing support to the requesting activity.

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SUBPART 101-38.49 FORMS

§ 101-38.4901-82 Standard Form 82, Agency Report of Motor Vehicle Data

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4901-82 Standard Form 82, Agency Report of Motor Vehicle Data

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SUBPART 101-38.49 FORMS

§ 101-38.4901-91 Standard Form 91, Operator's Report of Motor Vehicle

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4901-91 Standard Form 91, Operator's Report of Motor Vehicle Accident

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SUBPART 101-38.49 FORMS

§ 101-38.4901.91 Standard Form 91, Operator's Report of Motor Vehicle Accident

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4901-91 Standard Form 91, Operator's Report of Motor Vehicle Accident

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SUBPART 101-38.49 FORMS

§ 101-38.4901-91-A Standard Form 91-A, Investigation Report of Motor Vehicle Accident

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4901-91-A Standard form 91-A, Investigation Report of Motor Vehicle Accident

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SUBPART 101-38.49 FORMS

§ 101-38.4901-91-A Standard Form 91-A, Investigation Report of Motor Vehicle Accident

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SUBPART 101-38.49 FORMS

§ 101-38.4901-94 Standard Form 94, Statement of Witness

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101.38.4901-94 Standard Form 94, Statement of Witness

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SUBPART 101-38.49 FORMS

§ 101-38.4901-97 Standard Form 97, U. S. Government Certificate of Release of a Motor Vehicle

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4901-97 Standard Form 97, U. S. Government Certificate of Release of a Motor Vehicle

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-96, MARCH, 1992)

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SUBPART 101-38.49 FORMS

§ 101-38.4901-97-A Standard Form 97-A, Agency Record Copy of the U. S. Government Certificate of Release
of a Motor Vehicle

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SUBPART 101-38.49 FORMS

§ 101-38.4901-149 Standard Form 149, U. S. Government National Credit Card

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SUBPART 101-38.9 FEDERAL MOTOR VEHICLE FLEET REPORT

§ 101-38.4902 GSA Forms; availability.

GSA forms referenced in this part may be obtained initially from the GSA National Forms and Publications Center, Box 17550, 819 Taylor Street, Fort Worth, TX 76102-0550. Agency field or regional offices should submit future requirements to their Washington, DC headquarters office which will forward consolidated annual requirements to the General Services Administration, ATTN: 7BR, Fort Worth, TX 76102.

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SUBPART 101-38.49 FORMS

§ 101-38.4902-1398 GSA Form 1398, GSA Purchased Vehicle

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SUBPART 101-38.49 FORMS

§ 101-38.4902-1781 GSA Form 1781, Motor Vehicle Requisition -- Delivery Order

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PART 101-38 MOTOR EQUIPMENT MANAGEMENT

§ 101-38.4902-1781 GSA Form 1781, Motor Vehicle Requisition -- Delivery Order

(END OF PART)

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§ 101-39.000 Scope of part.

This part prescribes policies governing the establishment and operation of interagency fleet management systems and operating procedures applicable to the General Services Administration (GSA) Interagency Fleet Management System.

Subpart 101-39.0--General Provisions**§ 101-39.001 Authority.**

Section 211 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U. S. C. 491), requires that the Administrator of General Services will, to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and after consultation with, and with due regard to the program activities of the agencies concerned, (a) consolidate, take over, acquire, or arrange for the operation by any executive agency of motor vehicles and other related equipment and supplies for the purpose of establishing fleet management systems to serve the needs of executive agencies; and (b) provide for the establishment, maintenance, and operation (including servicing and storage) of fleet management systems for transportation of property or passengers, and for furnishing such motor vehicles and related services to executive agencies. The exercise of this authority is subject to regulations issued by the President, which are set forth in Executive Order 10579, dated November 30, 1954.

§ 101-39.002 Applicability.

The regulations in this part apply to all executive agencies of the Federal Government to the extent provided in the Act.

§ 101-39.003 Financing.

(a) Section 211(d) of the Federal Property and Administrative Services Act of 1949, as amended, provides that the General Supply Fund, provided for in section 109 of the Act, shall be available for use by or under the direction and control of the Administrator of General Services for paying all elements of cost incident to the establishment, maintenance, and operation of fleet management systems.

(b) When an agency other than GSA operates an interagency fleet management system, the financing and accounting methods shall be developed by GSA in cooperation with the agency concerned.

§ 101-39.004 Optional operations.

Nothing in this part shall preclude the establishment or operation of interagency fleet management systems by GSA or by other agencies which are to be operated on the basis of optional use by executive or other agencies under arrangements worked out between the agencies concerned and GSA.

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Subpart 101-39.1--Establishment, Modification, and Discontinuance of Interagency Fleet Management Systems

§ 101-39.100 General.

GSA will conduct studies of the operation and costs of motor vehicles and motor vehicle services in selected geographical areas to determine the advisability of establishing fleet management systems.

(a) Based on these studies, the Administrator of General Services, with the assistance of the affected agencies, shall develop necessary data and cost statistics for use in determining the feasibility of establishing a fleet management system in the geographical area studied.

(b) If the Administrator, GSA, determines that a fleet management system shall be established, a formal determination is prepared to that effect.

(c) In the event the Administrator, GSA, decides that the establishment of a fleet management system is not feasible, the head of each agency concerned will be notified.

(d) In the making of determinations for the establishment of fleet management systems, the Administrator, GSA, will, to the extent consistent with the provisions of section 1(b) of Executive Order 10579, observe the policies outlined in the Office of Management and Budget (OMB) Circular A-76, for the utilization of commercial facilities.

(e) Except as provided in this subpart, all Government motor vehicles subsequently acquired for official purposes by fully participating agencies which are stored, garaged, or operated within the defined mandatory use service area of a fleet management system shall also be consolidated into and operated under the control of that system.

(f) Fleet management systems established under this subpart provide for furnishing motor vehicles and related services to executive agencies. So far as practicable, these services will also be furnished to any mixed-ownership corporation, the District of Columbia, or a contractor authorized under the provisions of Federal Acquisition Regulation, Subpart 51.2, upon request. Such services may be furnished, as determined by the Administrator, GSA, through the use, under rental or other arrangements, of motor vehicles of private fleet operators, commercial companies, local or interstate common carriers, or Government-owned motor vehicles, or combinations thereof.

§ 101-39.101 Notice of intention to begin a study.

The Administrator, GSA, will ascertain the possibilities of economies to be derived through the establishment of a fleet management system in a specific geographical area. After preliminary investigation, he or she will notify the head of each agency concerned at least 30 calendar days in advance of the intent to conduct a study to develop data and justification as to the feasibility of establishing a fleet management system. The notification, in writing, will include:

(a) The approximate geographical area to be included in the study, including a defined mandatory use service area and an optional use service area; and

(b) The date on which the study will begin.

§ 101-39.101-1 Agency cooperation.

(a) As provided by Executive Order 10579, the head of each executive agency receiving notice that GSA will conduct a study will designate representatives with whom members of the GSA staff may consult and who will furnish information and assistance to the GSA staff, including reasonable opportunities to observe motor vehicle operations and facilities and to examine pertinent cost and other records. Such information shall include the inventory, management, operation, maintenance, and storage of motor vehicles, motor vehicle facilities, and motor vehicle services in the area, including location, use, need, cost, and personnel involved.

(b) In the absence of recorded information, GSA will assist in preparing agency estimates, if requested, or will develop the necessary data.

101-39.102

§ 101-39.102 Determinations.

Each determination to establish a fleet management system will include:

(a) A description of the proposed operation (including Government-owned vehicles operated by contractors) covering the types of service and the geographic area (including the defined mandatory and optional use service areas) and executive agencies or parts of agencies to be served;

(b) The name of the executive agency designated to be responsible for operating the fleet management system and the reason for such designation;

(c) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made; and

(d) An analytical justification to accompany each determination, including a comparison of estimated costs of the present and proposed methods of operation, an estimate of the savings to be realized through the establishment of the proposed fleet management system, a description of the alternatives considered in making the determination, a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated costs (immediate and long-term) of using such facilities and equipment.

§ 101-39.102-1 Records, facilities, personnel, and appropriations.

(a) If GSA decides to establish a fleet management system, GSA, with the assistance of the agencies concerned, will prepare and present to the Director, OMB, a schedule of those records, facilities, personnel, and appropriations, if any, that are proposed for transfer to the fleet management system. The Director, OMB, will determine the records, facilities, personnel, and appropriations, if any, to be transferred.

(b) The Administrator of General Services will furnish a copy of each determination, with a copy of the schedule of proposed transfer of motor vehicles, records, facilities, personnel, and appropriations, to the Director, OMB, and to each agency affected.

§ 101-39.102-2 Effective date of determination.

Unless a longer time is allowed, any determination made by the Administrator, GSA, shall become binding on all affected executive agencies 45 calendar days after issuance, except with respect to any agency which appeals or requests an exemption from any determination in accordance with § 101-39.103.

§ 101-39.103 Agency appeals.

(a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted, in writing, within 45 calendar days from the date of the determination to the Director, OMB, with a copy to the Administrator of GSA. Appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director, OMB, will review any determination which an executive agency has appealed and will make a final decision on that appeal. The Director, OMB, will decide within 75 calendar days after he or she receives the appeal, or as soon thereafter as practicable, on the basis of information contained in GSA's determination, the executive agency appeal, and any supplementary data submitted by GSA and the contesting agency. The Director, OMB, will send copies of decisions to GSA and to the heads of other executive agencies concerned.

(c) With reference to each appeal, the decision of the Director, OMB, if he or she holds that the GSA's determination shall apply in whole or in part to the appealing agency, will state the extent to which the determination applies and the effective date of its application. To the extent that the decision on an appeal does not uphold GSA's determination, the determination will be of no force and effect.

§ 101-39.104 Notice of establishment of a fleet management system.

GSA will inform each affected agency of the time schedule for establishment of a fleet management system and of the agency's responsibility for transferring personnel, motor vehicles, maintenance, storage and service facilities, and other involved property. Arrangements will be made for discussions at the local level between the agencies concerned and the agency responsible for operating the fleet management system in order to work out any problems pertaining to establishing and operating fleet management systems.

§ 101-39.104-1 Consolidations into a fleet management system.

(a) All Government-owned motor vehicles acquired by executive agencies for official purposes which are operated, stored, or garaged within a defined mandatory use service area of an established fleet management system and other related equipment and supplies shall, when requested by the Administrator, GSA, in accordance with a determination, be transferred to the control and the responsibility of the fleet management system. Those vehicles specifically exempt by (1) § 101-39.106 and § 101-39.107, (2) in the determination establishing the fleet management system, (3) by a subsequent determination by the Administrator, GSA, or (4) by the decision of the Director, OMB, are not required to be transferred into the fleet management system. Facilities, personnel, records, and appropriations, as determined by the Director, OMB, pursuant to § 101-39.102-1, shall be included in the transfer.

(b) Transfers of Government-owned motor vehicles to the control and responsibility of the fleet management system shall be accomplished with transfer forms of the transferring agency or forms furnished by GSA. Each transferring agency shall :

- (1) Prepare a transfer document listing each vehicle to be transferred;
- (2) Forward a signed copy to the Controller, Federal Supply Service, GSA;
- (3) Furnish two copies of the transfer document to the fleet management system receiving the vehicles; and
- (4) Forward an additional copy of the transfer document to the fleet management system, when a signed receipt is required by the transferring agency.

§ 101-39.104-2 Reimbursement.

Reimbursement for the motor vehicles and related equipment and supplies acquired by agencies through expenditures made from and not previously reimbursed to any revolving or trust fund authorized by law, shall be made by GSA in an amount equal to the fair market value of the vehicle, equipment, or supplies so taken over, as required by law (40 U. S. C. 491(g)).

§ 101-39.105 Discontinuance or curtailment of service.

(a) If, during any reasonable period not exceeding 2 successive fiscal years, no economies or efficiencies are realized from the operation of any fleet management system, the Administrator, GSA, will discontinue the fleet management system concerned.

(b) The Administrator, GSA, may discontinue or curtail a fleet management system when he or she determines that sufficient economies or efficiencies have not resulted from the operation of that fleet management system. The Administrator, GSA, will give at least 60 calendar days notice of his or her intent to the heads of executive agencies affected and to the Director, OMB, before taking action.

§ 101-39.105-1 Transfers from discontinued or curtailed fleet management systems.

When a fleet management system is discontinued or curtailed, transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director, OMB. Reimbursement for motor vehicles and related equipment and supplies acquired

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by GSA through expenditure made from, and not previously reimbursed to the General Supply Fund, or any revolving or trust fund authorized by law, shall be made by the agency receiving the motor vehicles and related equipment and supplies in an amount equal to the fair market value, as required by law (40 U. S. C. 491(g)).

§ 101-39.105-2 Agency requests to withdraw participation.

(a) Executive agencies receiving motor vehicle services from fleet management systems may request discontinuance or curtailment of their participation after 1 year of participation, unless a different time period has been mutually agreed to, or if the need for these services ceases. Requests shall be submitted to the Administrator, GSA, with factual justification.

(b) If the Administrator, GSA, does not agree with these requests and is unable to make arrangements which are mutually acceptable to GSA and the agency concerned, the agency's request for discontinuance or modification and the explanation of the Administrator, GSA, denying the request will be forwarded to the Director, OMB, who will make the final and binding decision.

§ 101-39.106 Unlimited exemptions.

Unlimited exemptions from inclusion in the fleet management system are granted to the specific organizational units or activities of executive agencies listed below. Unlimited exemptions do not preclude agencies from requesting fleet management services, if available, under optional use arrangements. Such optional use services must be authorized under the provisions of Executive Order 10579 and 40 U. S. C. 472.

(a) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of that agency or designee makes a determination, in writing (a copy of which shall be forwarded to the Administrator of General Services), that the exclusive control of such vehicles is essential to the effective performance of those duties. Vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not be exempted from inclusion.

(b) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military installation.

(c) Any motor vehicle exempted from the display of conspicuous identification by the Administrator, GSA, when identification as a Government vehicle would interfere with the purpose for which it is acquired and used.

(d) Unless inclusion is mutually agreed upon by the Administrator, GSA, and the head of the agency concerned:

(1) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

(2) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(3) Motor vehicles regularly used by the United States Postal Service for the distribution and transportation of mail.

§ 101-39.107 Limited exemptions.

The Administrator, GSA, may exempt those vehicles which, because of their design or the special purposes for which they are used, cannot advantageously be incorporated in the fleet management system, if the exemption has been mutually agreed upon by the Administrator and the head of the executive agency concerned. Limited exemptions will normally be restricted to:

(a) Special-purpose motor vehicles. Motor vehicles acquired for special purposes and which, because of special design, use, or fixed special equipment, cannot advantageously be included in a consolidated operation; or

(b) Motor vehicles operated outside the defined geographical area of the fleet management system. Motor vehicles which are operated almost entirely outside the defined mandatory use area of the fleet management system.

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Subpart 101-39.2--GSA Interagency Fleet Management System Services

§ 101-39.200 Scope.

This subpart defined the procedures for acquiring motor vehicles and related services provided by the General Services Administration (GSA) Interagency Fleet Management System (IFMS). Local transportation services for Government personnel and property may be provided by the GSA IFMS to efficiently meet the authorized requirements of participating agencies. These services may be furnished through commercial rental companies, private sector fleet operators, local or interstate common carriers, the Government, or a combination of the above.

§ 101-39.201 Services available.

GSA Interagency Fleet Management System (IFMS) vehicles and services shall be used in connection with official business and incidental use as prescribed by rule by the head of the agency in conformance with Section 503 of the Ethics Reform Act of 1989 (Pub. L. 101-194) only. Available GSA IFMS services may include any or all of the following:

- (a) Motor vehicles for indefinite assignment;
- (b) Commercial motor vehicles for daily or short-term use, exclusive of temporary duty requirements;
- (c) GSA IFMS dispatch vehicles for short-term use, where available. This service is generally limited to locations where there is no commercial alternative;
- (d) Shuttle run or similar services;
- (e) Driver services; and
- (f) Other related services, including servicing, fueling, and storage of motor vehicles.

§ 101-39.202 Contractor authorized services.

(a) Authorized contractors and subcontractors shall use related GSA Interagency Fleet Management System (IFMS) services solely for official purposes.

(b) To the extent available, authorized contractors and subcontractors may use GSA IFMS services on a reimbursable basis to provide maintenance, repair, storage, and service station services for Government-owned or -leased equipment which is not controlled by a GSA IFMS fleet management center, or for authorized contractor-owned or -leased equipment used exclusively in the performance of Government contracts.

(c) Contractor use of GSA IFMS services will be allowable only to the extent provided in the Federal Acquisition Regulation, Subpart 51.2.

(d) Use of GSA IFMS vehicles in the performance of a contract other than a cost-reimbursement contract requires preapproval by the Administrator of GSA. Such requests shall be submitted through the Director, Fleet Management Division, GSA, Attn: FBF, Washington, DC 20406.

§ 101-39.203 Obtaining motor vehicles for short-term use.

Any participating Federal agency, bureau, or activity may obtain vehicles for short-term local use through the GSA Interagency Fleet Management System (IFMS). Short-term use vehicles may be provided through Military Traffic Management Command (MTMC) agreements with commercial firms or, where available, through GSA IFMS dispatch services. This support is available for official use performed locally or within commuting distance of an employee's designated post of duty. Arrangements for these vehicles will be made by the GSA IFMS fleet management center serving the local area. The requesting agency official or employee must be authorized to place orders for vehicle support and provide a complete billing address and GSA billed office address code (BOAC) at the time an order is placed. Agencies requiring a BOAC may obtain one by contacting any General Services Administration IFMS fleet management center.

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§ 101-39.203-1 Obtaining motor vehicles while on temporary duty (TDY) travel.

Federal employees on TDY requiring short-term use of vehicles in the destination area shall obtain service directly from the appropriate sources listed in the Federal Travel Directory (available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402).

§ 101-39.204 Obtaining motor vehicles for indefinite assignment.

Motor vehicles and related services of the GSA Interagency Fleet Management System (IFMS) are provided to requesting agencies under the following procedures. When competing requests are received, priority will be given to a fully participating agency over an other than fully participating agency.

(a) Federal agencies or parts thereof that meet the following conditions are considered fully participating:

(1) All agency-owned motor vehicles have been consolidated into the supporting GSA IFMS fleet management center, and no agency-owned vehicles, with the exception of approved exemptions, are operated in the defined mandatory use service area of the supporting GSA fleet management center;

(2) No vehicles were available to consolidate, but total reliance is placed on the supporting GSA IFMS fleet management center or the GSA IFMS as a whole to meet all motor vehicle requirements, and no agency-owned vehicles are operated in the defined mandatory use service area of the supporting GSA fleet management center;

(3) The agency would otherwise qualify under paragraphs (a) (1) or (2) of this section but has been authorized by GSA to purchase or commercially lease motor vehicles because the GSA IFMS was unable to supply its requirements.

(b) Fully participating agencies may request indefinite assignment of vehicles, regardless of number, from the supporting IFMS fleet management center. Assignment may be made at that level, subject to availability. If the required vehicles are not available, a written request shall be sent to the General Services Administration, Attn: FBF, Washington, DC, 20406. To be considered, the request shall include the following:

(1) Certification that concurrence has been obtained from the designated agency fleet manager or other designated headquarters-level official and that other means of transportation are not feasible or cost effective;

(2) The number and types of vehicles required, of which passenger vehicles are limited to compact or smaller unless the agency head or designee has certified that larger vehicles are essential to the agency's mission;

(3) Location where the vehicles are needed;

(4) Date required, including earliest and latest acceptable dates;

(5) Anticipated length of assignment;

(6) Projected utilization, normally in terms of miles per month or year;

(7) Certification of funding;

(8) Billing address and billed office address code (BOAC);

(9) Agency contact, including name, address, and telephone number;

(10) Office, program, or activity requiring the vehicles;

(11) A statement that the agency does or does not request authority to commercially lease, and the anticipated duration of the lease, should GSA be unable to provide the vehicles.

(c) Federal agencies that meet the following conditions are considered other than fully participating:

(1) Vehicles have been acquired from other sources for reasons other than the inability of the GSA IFMS to supply the required vehicles, except those designated as exempt vehicles as determined by the GSA IFMS;

(2) Cost reimbursable contractors authorized to utilize GSA IFMS motor vehicles when they represent participating agencies;

(3) Other authorized users of the GSA IFMS.

(d) Other than fully participating agencies must contact the supporting GSA IFMS fleet management center to ascertain vehicle availability, regardless of the number required. If the vehicles are available, assignment shall be made. When the supporting GSA IFMS fleet management center determines that the requested vehicles are not available, the requesting activity shall make a record of contact to document compliance with the mandatory first source of supply requirement. No further authorizations from GSA are required for the agency to execute a

commercial lease from sources established by the GSA Automotive Commodity Center or the agency, provided that such agency has Congressional authority to lease motor vehicles and:

(1) All applicable procurement regulations (e.g., Federal Acquisition Regulation (FAR).) and internal agency acquisition regulations are observed;

(2) The requirements of Part 101-38 regarding fuel economy, Government identification and marking, etc., are adhered to;

(3) The agency fleet manager or designee retains responsibility for fleet oversight and reporting requirements under Pub. L. 99-272; and

(4) Other than fully participating agencies that choose not to commercially lease may utilize the procedures for full participants in paragraph (b) of this section, on the understanding that fully participating agencies will receive priority consideration.

§ 101-39.205 [Reserved].

§ 101-39.206 Seasonal or unusual requirements.

Agencies or activities having seasonal, peak, or unusual requirements for vehicles or related services shall inform the GSA IFMS fleet management center as far in advance as possible. Normally, notice shall be given not less than 3 months in advance of the need. Requests for vehicles for other than indefinite assignment will usually be filled for agencies participating fully with the GSA IFMS, provided resources permit. Other than fully participating agencies will normally not be accommodated for seasonal, peak, or unusual vehicle requirements.

§ 101-39.207 Reimbursement for services.

(a) GSA Regional Administrators will issue, as appropriate, regional bulletins announcing the GSA vehicle rental rates applicable to their respective regions.

(b) The using agency will be billed for GSA Interagency Fleet Management System (IFMS) services provided for under this part at rates fixed by GSA. Such rates are designed to recover all GSA IFMS fixed and variable costs. Rates will be reviewed and revised periodically to determine that reimbursement is sufficient to recover applicable costs. Failure by using agencies to reimburse GSA for vehicle services will be cause for GSA to terminate motor vehicle assignments.

(c) IFMS services provided to authorized Government contractors and subcontractors will be billed to the responsible agency unless such agency requests that the contractor be billed directly. In case of nonpayment by a contractor, GSA will bill the responsible agency which authorized the contractor's use of GSA IFMS services.

(d) Using agencies will be billed for accidents and incidents as described in § 101-39.406. Agencies may also be charged administrative fees when vehicles are not properly maintained, repaired, or when the vehicle is subject to abuse or neglect.

(e) Agencies may be charged for recovery of expenses for repairs or services to GSA IFMS vehicles which are not authorized by the GSA IFMS either through preventive maintenance notices, approval from a GSA Maintenance Control Center, or approval from a GSA fleet management center, per instructions in the operator's guide issued with each vehicle. Excess costs relating to the failure to utilize self-service gasoline pumps or the unnecessary use of premium grade gasoline may also be recovered from using activities (see § 101-38.401-2).

§ 101-39.208 Vehicles removed from defined areas.

(a) Normally, vehicles shall not be permanently operated outside the geographical area served by the issuing GSA IFMS fleet management center. However, when agency programs necessitate vehicle relocation for a period exceeding 90 calendar days, the agency shall notify the issuing GSA IFMS fleet management center of the following:

(1) The location at which the vehicles are currently in use;

(2) The date the vehicles were moved to the present location; and

(3) The expected date the vehicles will be returned to the original location.

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101-39.208(b)

(b) When vehicles will be permanently relocated outside the area served by the issuing GSA IFMS fleet management center, the affected GSA IFMS fleet manager will ascertain if the using agency is fully participating at the new use location (see § 101-39.204). If this criterion is met, the vehicle will normally be transferred to the GSA IFMS fleet management center nearest the new location. If the agency is other than a full participant, the transfer will be treated as a request for additional vehicles at the new location.

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SUBPART 101-39.3--USE AND CARE OF GSA INTERAGENCY
FLEET MANAGEMENT SYSTEM VEHICLES

101-39.301

Subpart 101-39.3--Use and Care of GSA Interagency Fleet Management System Vehicles

§ 101-39.300 General.

(a) The objective of the General Services Administration (GSA) Interagency Fleet Management System (IFMS) is to provide efficient and economical motor vehicle and related services to participating agencies. To attain this objective, policies and procedures for use and care of GSA IFMS vehicles provided to an agency or activity are prescribed in this subpart.

(b) To operate a motor vehicle furnished by the GSA IFMS, civilian employees of the Federal Government shall have a valid State, District of Columbia, or Commonwealth operator's license for the type of vehicle to be operated and some form of agency identification. Non-Government personnel, such as contractors, shall have a valid license for the type of equipment to be operated when using vehicles supplied by the GSA IFMS (this may include a Commercial Driver's License). All other vehicle operators, and Federal civilian employees that have a valid civilian operator's license, but not for the type of equipment to be operated, must have in their possession an Optional Form 346, U.S. Government Motor Vehicle Operator's Identification Card, for the type of equipment to be operated. Specific regulations covering procedures and qualifications of Government motor vehicle operators are contained in 5 CFR Part 930, issued by the Office of Personnel Management.

(c) To operate a motor vehicle furnished by GSA, drivers and occupants shall wear safety belts whenever the vehicle is in operation. The vehicle operator shall ensure that all vehicle occupants are wearing their safety belts prior to operating the vehicle.

(d) The use of tobacco products is prohibited in GSA IFMS motor vehicles. The agency to which the vehicle is assigned is responsible for ensuring that its employees do not use tobacco products while occupying IFMS vehicles. If a user agency violates this prohibition, the agency will be charged for the cost of cleaning the affected vehicle(s) beyond normal detailing procedures to remove tobacco odor or residue or repairing damage caused as a result of tobacco use. The decision to perform such additional cleaning or repair will be made by the GSA fleet manager based upon the condition of the vehicle when assigned, the degree of tobacco residue and damage, and the cost effectiveness of such additional cleaning.

(e) Reasonable diligence in the care of GSA IFMS vehicles shall be exercised by using agencies and operators at all times. Officials or employees failing to take proper care of motor vehicles issued to them may be refused further authorization to use GSA IFMS vehicles after reasonable notice has been provided by GSA to the head of the local activity concerned.

§ 101-39.301 Utilization guidelines.

An agency must be able to justify a full-time vehicle assignment. The following guidelines may be employed by agencies requesting GSA Interagency Fleet Management System (IFMS) services. Other utilization factors, such as days used, agency mission, and relative costs of alternatives to a full-time vehicle assignment, may be considered as justification where miles traveled guidelines are not met.

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§ 101-39.301(a)

(a) Passenger-carrying vehicles. The utilization guidelines for passenger-carrying vehicles are a minimum of 3,000 miles per quarter or 12,000 miles per year.

(b) Light trucks and general purpose vehicles. The utilization guidelines for light trucks and general purpose vehicles are as follows:

(1) Light trucks and general purpose vehicles, 12,500 lbs. Gross Vehicle Weight Rating (GVWR) and under--10,000 miles per year.

(2) Trucks and general purpose vehicles, over 12,500 lbs GVWR to 24,000 lbs. GVWR--7,500 miles per year.

(c) Heavy trucks and truck tractors. The utilization guidelines for heavy trucks and truck tractors are as follows:

(1) Heavy trucks and general purpose vehicles over 24,000 lbs. GVWR--7,500 miles per year.

(2) Truck tractors--10,000 miles per year.

(d) Other trucks and special purpose vehicles. Utilization guidelines for other trucks and special purpose vehicles have not been established. However, the head of the local office of the agency or his/her designee shall cooperate with GSA IFMS fleet management center personnel in studying the use of this equipment and take necessary action to ensure that it is reasonably utilized or returned to the issuing GSA IFMS fleet management center.

§ 101-39.302 Rotation.

GSA Interagency Fleet Management System (IFMS) vehicles on high mileage assignments may be rotated with those on low mileage assignments to assure more uniform overall fleet utilization. In cases where the continued use of a vehicle is essential but its miles traveled are not consistent with utilization guidelines, the using agency may be required to justify, in writing, retention of the vehicle. Each GSA IFMS fleet manager will decide on a case-by-case basis which vehicles, if any, will be rotated based upon vehicle type, vehicle location, location and availability of replacement vehicles, and the mission of the using agency.

§ 101-39.303 Maintenance.

In order to ensure uninterrupted operation of GSA Interagency Fleet Management System (IFMS) vehicles, safety and preventive maintenance inspections will be performed at regularly scheduled intervals as directed by GSA. Users of GSA IFMS vehicles shall comply with the safety and preventive maintenance notices and instructions issued for the vehicle.

§ 101-39.304 Modification or installation of accessory equipment.

The modification of a GSA Interagency Fleet Management System (IFMS) vehicle or the permanent installation of accessory equipment on these vehicles may be accomplished only when approved by GSA. For the purpose of this regulation, permanent installation means the actual bolting, fitting, or securing of an item to the vehicle. Such modification or installation of accessory equipment must be considered by the using agency as essential for the accomplishment of the agency's mission. The request for such modification or installation shall be forwarded to the appropriate GSA IFMS regional fleet manager for consideration. Accessory equipment or other after-market items which project an inappropriate appearance, such as radar detectors, will not be used on GSA IFMS vehicles. Decorative items (i.e. , bumper stickers and decals) will not be used on IFMS vehicles unless authorized by the Director, Fleet Management Division, GSA.

SUBPART 101-39.3--USE AND CARE OF GSA INTERAGENCY
FLEET MANAGEMENT SYSTEM VEHICLES

101-39.305

§ 101-39.305 Storage.

(a) GSA Interagency Fleet Management System (IFMS) vehicles shall be stored and parked at locations which provide protection from pilferage or damage. In the interest of economy, no cost storage shall be used whenever practicable and feasible.

(b) The cost of parking and storing GSA IFMS vehicles is the responsibility of the using agency. Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101-18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101-17.101-6.

§ 101-39.306 Operator's packet.

The GSA Interagency Fleet Management System (IFMS) will provide each system vehicle with an operator's packet containing the following information and instructions. This information should remain in the vehicle at all times, except when inconsistent with authorized undercover operations.

- (a) Driver's responsibilities;
- (b) Requirement of use for official purposes only;
- (c) Instruction for:
 - (1) Acquiring maintenance and repair authorizations;
 - (2) Acquiring emergency supplies, services, and repairs; and
 - (3) Reporting accidents.
- (d) The telephone numbers of responsible GSA IFMS fleet management center employees to be called in case of accident or emergency;
- (e) Instructions on the use of the Standard Form 149, U. S. Government National Credit Card;
- (f) List of contractors from which vehicle operators may purchase items authorized by the SF 149, U. S. Government National Credit Card;
- (g) Accident reporting kit which contains:
 - (1) Standard Form 91, Operator's Report of Motor Vehicle Accident;
 - (2) Standard Form 94, Statement of Witness;
 - (3) Form CA 1, Employee's Notice of Injury or Occupational Disease; and
 - (4) Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator.

Note.--The vehicle operator or assignee shall be personally responsible for safeguarding and protecting the SF 149, U. S. Government National Credit Card.

§ 101-39.307 Grounds for withdrawal of vehicle.

GSA may withdraw the issued vehicle from further use by the agency or its contractor if it is determined that the using agency has not complied with the provisions of Subpart 101-39.3, that the vehicle has not been maintained in accordance with GSA IFMS maintenance standards, that the vehicle has been used improperly, or that the using agency has not reimbursed GSA for vehicle services. Improper use includes, but is not limited to, credit card abuse and misuse, continued violation of traffic ordinances, at-fault accidents, reckless driving, driving while intoxicated, use for other than official purposes, and incidental use when not authorized by the using agency.

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Subpart 101-39.4--Accidents and Claims

§ 101-39.400 General.

Officials, employees, and contractors responsible for the operation of General Services Administration (GSA) Interagency Fleet Management System (IFMS) vehicles shall exercise every precaution to prevent accidents. In case of an accident, the employee or official concerned shall comply with the procedures established by this subpart.

§ 101-39.401 Reporting of accidents.

(a) The operator of the vehicle is responsible for notifying the following persons immediately, either in person, by telephone, or by facsimile machine of any accident in which the vehicle may be involved:

- (1) The manager of the GSA IFMS fleet management center issuing the vehicle;
- (2) The employee's supervisor; and
- (3) State, county, or municipal authorities, as required by law.

(b) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Standard Form 91, Operator's Report of Motor Vehicle Accident. Only one copy of the Standard Form 91 is required. When completed, the Standard Form 91 shall be given to the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and, wherever possible, have witnesses complete Standard Form 94, Statement of Witness, and give the completed Standard Form 94 and other related information to his or her supervisor. The vehicle operator shall make no statements as to the responsibility for the accident except to his or her supervisor or to a Government investigating officer.

(c) Whenever a vehicle operator is injured and cannot comply with the above requirements, the agency to which the vehicle is issued shall report the accident to the State, county, or municipal authorities as required by law, notify the GSA IFMS fleet manager of the center issuing the vehicle as soon as possible after the accident, and complete and process Standard Forms 91 and 91A. A complete copy of the accident report shall be forwarded to the appropriate GSA office as outlined in the vehicle operator's packet.

§ 101-39.402 Recommendations for disciplinary action.

If a vehicle operator fails to report an accident involving a GSA Interagency Fleet Management System (IFMS) vehicle in accordance with § 101-39.401, or if the operator has a record showing a high accident frequency or cost, GSA will notify the appropriate official(s) of the operator's agency, and will advise that either failure to report an accident or poor driving record is considered by GSA to be sufficient justification for the agency to suspend the right of the employee to use a GSA IFMS vehicle.

§ 101-39.403 Investigation.

(a) Every accident involving a GSA Interagency Fleet Management System (IFMS) vehicle shall be investigated and a report furnished to the manager of the GSA IFMS fleet management center which issued the vehicle.

(b) When property damage is less than \$500 and no bodily injury is involved, a copy of Standard Form 91 and any other available supporting data shall be submitted.

(c) When property damage is \$500 or more and/or bodily injury is involved, the agency employing the vehicle operator shall investigate the accident within 48 hours after the actual time of occurrence. Also, GSA may investigate any accident involving an IFMS vehicle when deemed necessary. Should such investigation develop additional information, the additional data or facts will be furnished to the using agency for its information.

(d) Two copies of the complete report of the investigation, including Standard Form 91A, Investigation Report of Motor Vehicle Accident, photographs, measurements, doctor's certificate of bodily injuries, police investigation

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reports, operator's statement, agency's investigation reports, witnesses' statements, and any other pertinent data shall be furnished to the manager of the GSA IFMS fleet management center issuing the vehicle.

§ 101-39.404 Claims in favor of the Government.

Whenever there is any indication that a party other than the operator of the GSA Interagency Fleet Management System (IFMS) vehicle is at fault and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the servicing GSA IFMS fleet management center. The GSA IFMS regional fleet manager, or his/her representative, will initiate the necessary action to effect recovery of the Government's claim.

§ 101-39.405 Claims against the Government.

(a) Whenever a GSA Interagency Fleet Management System (IFMS) vehicle is involved in an accident resulting in damage to the property of, or injury to, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be the responsibility of the agency employing the person who was operating the GSA IFMS vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that the agency is empowered to do so under the provisions of 28 U. S. C. 2672. It shall be the further responsibility of the agency, in the event that administrative settlement cannot be effected, to prepare completely, from an administrative standpoint, the Government's defense of the claim. The agency shall thereafter transmit the complete case through appropriate channels to the Department of Justice.

(b) Except for the exclusions listed in § 101-39.406, the agency employing the vehicle operator shall be financially responsible for damage to a GSA IFMS vehicle.

(c) If a law suit is filed against the agency using a GSA Interagency Fleet Management System (IFMS) vehicle, the agency shall furnish the appropriate GSA Regional Counsel with a copy of all papers served in the action. When requested, GSA's Regional Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a GSA IFMS vehicle.

§ 101-39.406 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage, including vandalism, theft, and parking lot damage, to a GSA Interagency Fleet Management System (IFMS) vehicle which occurs during the period that the vehicle is assigned or issued to that agency, to an employee of that agency, or to the agency's authorized contractor; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review on a case by case basis of the documentation required by § 101-39.401, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) Agencies using GSA IFMS services will be billed for the total cost of all damages resulting from neglect or abuse of assigned or issued GSA IFMS vehicles.

(c) If an agency is held responsible for damages, GSA will charge to that agency all costs for removing and repairing the GSA IFMS vehicle. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report, where applicable, regarding the incident to

the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging GSA IFMS vehicles through misconduct or improper operation, including inattention.

(d) If an agency has information or facts that indicate that it was not responsible for an accident, the agency may furnish the data to GSA requesting that costs charged to and collected from it be credited to the agency. GSA will make the final determination of agency responsibility based upon Government findings, as police accident reports, and any available witness statements.

(e) When contractors or subcontractors of using agencies are in accidents involving GSA IFMS vehicles, the agency employing the contractor will usually be billed directly for all costs associated with the accident. It will be the responsibility of the using agency to collect accident costs from the contractor should the contractor be at fault.

§ 101-39.407 Accident records.

If GSA's records of vehicle accidents indicate that a particular activity has had an unusually high accident frequency rate or a high accident cost per mile, GSA will so advise the using activity. Corrective action will be requested and GSA will cooperate in any reasonable manner possible to bring about improved performance.

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Subparts 101-39. 5--101-39.48--[Reserved]

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Subpart 101-39.49--Forms

§ 101-39.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with subject matter covered in Part 101-39.

§ 101-39.4901 Obtaining Standard and optional forms.

Standard and optional forms referenced in Part 101-39 may be obtained through the General Services Administration, Inventory and Requisition Management Branch, Attn: FCNI, Washington, DC 20406, or through regional GSA Federal Supply Service Bureaus. GSA regional offices will provide support to requesting activities needing forms.

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§ 101-40.000 Scope of part.

This part prescribes regulations that apply to the freight and household goods transportation and traffic management activities of executive agencies, including any wholly owned Government corporation. Except for provisions to debar or suspend carriers in accordance with Subpart 9.4 of the Federal Acquisition Regulation (48 CFR Subpart 9.4), this part does not apply to the Department of Defense or any other executive agency exempted from these regulations pursuant to the Federal Property and Administrative Services Act of 1949, as amended. It also covers arrangements for transportation and related services by bill of lading type commitments. These regulations are designed to ensure that all transportation and traffic management activities will be carried out in a manner (or method) most advantageous to the Government in terms of service, economy, and efficiency.

§ 101-40.001 Definitions.

"GSA Central Office" means the General Services Administration (GSA), Federal Supply Service, Office of Transportation and Property Management, Transportation Management Division, Freight Management Branch (FBXF), Washington, DC 20406.

"GSA regional office" means the GSA Traffic and Travel Services Zone Office(s), Federal Supply Service Bureau, specified in § 101-40.101-1(a).

Subpart 101-40.1--General Provisions**§ 101-40.101 Transportation Assistance.**

§ 101-40.101-1 Freight transportation management assistance.

(a) Executive agencies may obtain traffic management assistance in the transportation of goods (other than household goods moving from, to, and between foreign countries) by contacting the following GSA zone offices serving agencies located within the jurisdictional areas noted:

Zone	Jurisdiction	Address and telephone
Eastern	AL, CT, DE, FL, GA, KY, MA, MD (note A), ME, MS, NC, NH, NJ, NY, PA, Puerto Rico, RI, SC, TN, VT, VA (note B), Virgin Islands, WV.	GSA, Attn: 4FBT, 75 Spring Street, SW. Atlanta, GA 30303 FTS 242-5121 CML 404-331-5121
Central	IA, IL, IN, KS, MI, MN, MO, NE, OH, WI.	GSA, Attn: 6FBT, 4400 College Blvd. Suite 175 Overland Park, KS 66211 FTS 757-2510 CML 913-236-2510
South	AR, CO, LA, MT, ND, NM, OK, SD, TX, UT, WY.	GSA Attn: 7FBT western 819 Taylor Street Fort Worth, TX 76102 FTS 334-2737 CML 817-334-2737
Western	AK, American Samoa, AZ, CA, GU, HI, ID, NV, Northern Mariana Islands, OR, Pacific Trust Territories, WA.	GSA, Attn: 9FBT 525 Market Street San Francisco, CA 94105 FTS 484-6012 CML 415-744-6012
National Capital Region (NCR)	DC, MD (note C), VA (note D).	GSA, Attn: WFBT 7th & D Streets, SW. Washington, DC 20407 [*]FTS 472-1626 [*]CML 202-472-1626 #FTS 472-1944 *CML 202-472-1944

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* Other than household goods/office relocation.

Household goods/office relocation only.

Note A--Except for counties under NCR jurisdiction as listed in note C.

Note B--Except for cities and counties under NCR jurisdiction as listed in note D. Note C--Counties of Prince Georges and Montgomery only.

Note D--Cities of Alexandria, Fairfax, Manassas, and Manassas Park, and counties of Arlington, Fairfax, Loudon, and Prince William only.

(b) Executive agencies shall request assistance from the Department of State on shipments of household goods moving from, to, and between foreign countries. The Department of State, if requested, will prepare documents, book shipments, and make all customs arrangements. Assistance on movements originating abroad should be arranged through the nearest Embassy or Consulate. International shipments originating in the conterminous U. S. can be arranged with Transportation Operations, Room 1244, Department of State, Washington, DC 20520, FTS 632-4140 or commercial 800-424-2947.

§ 101-40.101-2 GSA transportation and traffic management liaison.

GSA will maintain a continuing transportation and traffic management liaison program with the executive agencies to assist in the establishment, improvement, and maintenance of effective freight transportation and traffic-management policies, practices, and procedures to meet executive agency program requirements.

§ 101-40.102 Representation before regulatory bodies.

The statutory authority for the Administrator of General Services to participate in regulatory proceedings is contained in section 201 of the Federal Property and Administrative Services Act of 1949, as amended. In general, no executive agency subject to the act may appear on its own behalf in any proceedings before a transportation regulatory body. Representation is either provided by the Administrator or, in certain instances, authority, with the approval of the Administrator, may be delegated to certain officials in the General Services Administration or to the head of another executive agency to represent itself pursuant to section 205(d) of the act (40 U. S. C. 486(d)).

(a) With respect to carriers' tariffs, rates, and operating authority, agencies shall submit their requests and recommendation for representation before regulatory bodies to the GSA Central Office for further processing.

(b) When a shipper's affidavit in support of a carrier's application for operating authority is required by law, the requesting agencies shall furnish the General Services Administration with such information and the appropriate form(s) as may be prescribed by transportation regulatory bodies in proceedings of this kind.

§ 101-40.103 Selection of carriers.

§ 101-40.103-1 Domestic transportation.

Preferential treatment, normally, shall not be accorded to any commercial mode of transportation (motor, rail, air, or water) or to any particular commercial carrier when arranging for domestic transportation services. However, where for valid reasons, a particular mode of transportation or a particular carrier within that mode must be used to meet specific program requirements and/or limitations, only that mode or carrier shall be considered. Examples of valid reasons for considering only a particular mode or carrier are (a) where only a certain mode of transportation or individual carrier is able to provide the needed service or is able to meet the required delivery date; and (b) where the consignee's installation and related facilities preclude or are not conducive to service by all modes of transportation. (See also § 101-40.303-1.)

§ 101-40.103-2 International transportation.

(See § 1-1.323 of this title and 4 CFR 52.2 for a certificate required for nonuse of U. S.-flag vessels or U. S.-flag certificated air carriers.)

(a) U. S.-flag ocean carriers. Arrangements for international ocean transportation

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services by privately owned U. S.-flag vessels shall be made in accordance with the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended by the Cargo Preference Act of 1954, 46 U. S. C. 1241(b). (See also 48 CFR Subpart 47.5.)

(b) U. S.-flag air carriers. Arrangements for international air transportation services shall be made in accordance with the so-called Fly America Act, as enacted by section 5 of the International Fair Competitive Practices Act of 1974, Pub. L. 93-623, January 3, 1975, as amended by section 21 of the International Air Transportation Competition Act of 1979, Pub. L. 96-192, February 15, 1980 (49 U. S. C. 1517). These acts require the use of U. S.-flag air carriers for international movement of property to the extent that services by these carriers are available. (See also 48 CFR Subpart 47.4.)

§ 101-40.103-3 Coastwise transportation.

As stated in 46 U. S. C. 883, no merchandise shall be transported by water, or by land and water, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under laws of the United States and owned by persons who are citizens of the United States or vessels to which the privilege of engaging in coastwise trade is extended by sections 13 and 808 of title 46 of the United States Code. There are exceptions and limitations to this basic provision, especially with regard to the United States island territories and possessions in the Atlantic and Pacific Oceans. (For example, see 46 U. S. C. 877 relative to the Virgin Islands; 48 U. S. C. 1664 relative to American Samoa; and presidential Proclamation 3215, December 12, 1957, relative to Canton Island.) Agencies shall comply with the current U. S. coastwise laws and any amendments to them. The Secretary of Treasury is empowered to impose monetary penalties against agencies which violate the coastwise laws.

§ 101.40.104 Insurance against transportation hazards.

The policy of the Government with respect to insurance of its property while in the possession of commercial carriers is set forth in 48 CFR 47.102.

§ 101-40.105 Use of Government-owned transportation equipment.

Generally, the preferred method of transporting property for the Government is through use of the facilities and services of commercial carriers. However, under certain circumstances, Government vehicles may be used when they are available. They may be used for such purposes as local transfer of property, pickup or delivery services which are not performed by the commercial carriers in connection with the line-haul transportation, transportation of property to meet emergencies, and accomplishment of program objectives which cannot be attained through use of commercial carriers.

§ 101-40.106 Reports.

Subject to the provisions of 41 CFR 201-45.6, each executive agency shall submit reports concerning its transportation procedures, practices, and operations to the GSA Central Office when requested.

§ 101-40.107 Surveys.

As necessary and after adequate advance notice to the agencies affected, or upon request of agencies, GSA will make onsite surveys of transportation activities and will make recommendations, when necessary, for changes in agencies' policies, standards, practices, and procedures to improve transportation concepts and operations at all levels.

§ 101-40.108 Transportation seminars and workshops.

GSA conducts transportation seminars and workshops for the benefit of executive agency personnel assigned functions relating to the movement of Government materials. The objective of this training is to broaden traffic management knowledge and

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experience within the agency and to enhance economy of operations. Seminars on the use of socially and economically disadvantaged carriers are conducted by the GSA regional offices in coordination with the GSA Central Office. All other seminars are conducted through GSA Training Center (CTD). GSA regional offices will conduct workshops on transportation subjects designed to meet specific agency needs. Agencies desiring assistance in these matters should direct their requests to the appropriate GSA regional office or to the General Service Administration, GSA Training Center (CTD), P. O. Box 15608, Arlington, VA 22215, as appropriate.

§ 101-40.109 Availability of transportation-related contracts and agreements.

§ 101-40.109-1 Miscellaneous transportation-related contracts and agreements.

(a) The GSA Central Office or the appropriate GSA regional office will, as considered necessary, enter into agreements or contracts for transportation and related services, including but not limited to stevedoring, storage, drayage, packing, marking, ocean freight forwarding, accessorial services, demurrage, and weighing. (See 41 CFR 101-41.304-2 for the use of commercial forms and procedures instead of Government bills of lading.) These contracts and agreements will be made for and in behalf of all executive agencies.

(b) The availability of these contracts and agreements will be announced through GSA bulletins which will outline the specific contractual services and the terms of the agreements. After distribution of these bulletins, GSA will furnish copies of the contracts and agreements to agencies upon request.

§ 101-40.109-2 Office relocation contracts.

(a) Prior to entering into office relocation contracts, agencies should ensure they are complying with the provisions of FPMR Temp. Reg. D-73, or reissues thereof. (See 41 CFR Appendix to Subchapter D.) Compliance assistance may be obtained from the respective GSA regional directors of the Public Buildings Service, Real Estate Division.

(b) An agency may either enter into its own office relocation contracts or request the appropriate GSA regional office to enter into office relocation contracts on the agency's behalf. Requests to GSA should be made as soon as possible and at least 120 calendar days before the proposed date of the move for local office relocation moves. The agency shall furnish the GSA such pertinent information concerning the proposed relocation as origin, destination, moving date, an itemized inventory of property to be moved, and the name and telephone number of the agency relocation coordinator.

(1) Arrangements for moving services, other than local office relocation moves, will be contracted for using competitive procedures or other appropriate relocation arrangements including Government tenders pursuant to section 10721 of the Interstate Commerce Act (49 U. S. C. 10721).

(2) Local office relocation moves must be acquired by contract, since such moves qualify as transportation within "commercial zones or terminal areas" and are excepted from rate regulation by the Interstate Commerce Commission. Neither the statutory exemption provided in paragraph (3) of section 7 of the McNamara-O'Hara Contract Act of 1965 (Service Contract Act) (41 U. S. C. 351 et seq.) exempting "any contract for the carriage of freight or personnel . . . where published tariff rates are in effect" nor the administrative exemption for contracts of freight or personnel subject to rates covered by section 10721 of the Interstate Commerce Act is applicable. (See 29 CFR 4.123.) The Service Contract Act applies to local office relocation moves where transportation costs (such as packing, crating, handling, loading, and/or storage of goods prior to or following line-haul transportation) are incidental to the principal purpose of the contract. (See 29 CFR 4.118.)

(c) GSA regional offices, on behalf of executive agencies, may enter into term contracts for office relocation services in cities where it is determined that such contracts are warranted. The availability of term contracts for office relocation services will be announced through GSA bulletins as indicated in § 101-40.109-1(b).

(d) Whether an office relocation is made under a GSA term moving contract or under a specific contract entered into by GSA in behalf of an individual agency, the agency being relocated shall make operational arrangements directly with the moving contractor. These arrangements shall include: (1) issuing the purchase order or

placing the work order; (2) arranging for direct billing; (3) supervising the actual move; (4) processing loss and damage claims, if any; (5) providing certification on the contractor's invoices; and (6) processing the invoice for direct payment to the contractor. The GSA contracting office shall be notified upon completion of the relocation and is prepared to provide technical assistance as necessary.

§ 101-40.109-3 Mandatory use of transportation-related contracts and agreements.

(a) When a contract or agreement for transportation-related services, including office relocations, is awarded in response to an agency's specific request, the use of the contract or agreement is mandatory for that requesting agency.

(b) When term contracts or agreements for transportation-related services, excluding office relocations, are entered into and awarded by GSA for use "as required," the term contract or agreement is mandatory upon all executive agencies; however, exceptions to the mandatory use of term contracts or agreements may be granted by the appropriate GSA regional office.

(c) GSA may enter into optional use contracts for office relocations where deemed appropriate.

§ 101-40.110 Assistance to economically disadvantaged transportation businesses.

§ 101-40.110-1 Small business enterprises.

Consistent with the policies of the Government with respect to small business as set forth in Subpart 1-1.7 of this title, executive agencies shall place with small business concerns a fair proportion of the total purchases and contracts for intrastate and interstate transportation and related services, such as packing and crating, loading and unloading, and local drayage.

§ 101-40.110-2 Minority business enterprises.

Consistent with the policies of the Government stated in 48 CFR Part 19, minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government purchases and contracts. Agencies shall encourage transportation-related minority enterprises regardless of the mode of transportation to identify themselves and provide services that will support the agencies' transportation requirements. The appropriate GSA regional office may be contacted, for assistance, if needed.

§ 101-40.110-3 Women-owned business enterprises.

Consistent with the policies of the Government with respect to women-owned business enterprises as set forth in Executive Order 12138, May 18, 1979, and 48 CFR Subpart 19.9, women-owned business concerns shall have the maximum practicable opportunity to participate in Government transportation purchases and contracts. Executive agencies shall create or support programs responsive to the special needs of women-owned business enterprises, establish incentives to promote business or business-related opportunities for women-owned business enterprises, collect and disseminate information in support of women-owned business enterprises, and ensure that women-owned business enterprises have knowledge of the ready access to business-related services and resources.

§ 101-40.111 Maintenance of tariff files.

(a) The National Capital Region (NCR) office listed in § 101-40.101-1(a) shall maintain a master file of carrier interstate tariffs covering all modes and methods of transportation commonly used by executive agencies. Each of the other GSA regional offices will maintain an interstate tariff file sufficient to meet the normal requirements of executive agencies located within its regional area of responsibility. Each GSA regional office will maintain an intrastate tariff file on those States located within the limits of its jurisdiction, except that when the transportation needs of client agencies require it to do so, a GSA regional office may maintain other intrastate tariffs.

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101-40.111(b)

(b) Executive agencies may maintain only those tariffs necessary to meet their routine operational requirements. Agencies may use GSA tariff files to meet unusual or abnormal transportation needs; or, alternatively, may request GSA to furnish rates, freight routing, or other tariff information. (See § 101-40.301 for use of GSA-furnished rates and routes.)

101-40.112

§ 101-40.112 Transportation factors in the location of Government facilities.

(a) Transportation rates, charges, and commercial carrier transportation services shall be considered and evaluated before selecting new site locations and during the planning and construction phases in the establishment of leased or relocated Government installations or facilities.

(b) If changes in the location, relocation or deactivation of Government installations or facilities are contemplated and will result in significant changes in the movement of property, executive agencies shall use the traffic management services of GSA to ensure that consideration is given to the various transportation factors that may be involved in this relocation or deactivation.

§ 101-40.113 [Removed and reserved]

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-92, October 1989)

4002.4

SUBPART 101-40.2--Centralized Household Goods Traffic Management Program

§ 101-40.200 Scope of subpart.

This subpart prescribes regulations concerning the movement of household goods of Government employees and their dependents who are eligible for relocation within the conterminous United States. As used in this subpart, the term "household goods" includes personal effects, and the term "employee(s)" includes eligible dependents. GSA will provide agencies with cost comparisons, the names of carriers eligible to handle specific shipments, and requested-administrative support related to the Government employee's household goods movements. When GSA furnishes agencies cost comparisons between the GBL method (see § 101-40.203-2) and the commuted rate system (see § 101-40.203-3), the agencies shall make the final determination as to the method of shipment and to the selection of the carrier under the GBL method.

§ 101-40.201 Applicability.

This subpart applies to civilian executive agencies, but will not apply to uniformed personnel of the U. S. Coast Guard.

§ 101-40.202 The General Services Administration Household Goods Tender of Service (TOS) agreement.

As part of the centralized household goods traffic management program, GSA has developed a master household goods tender of service (TOS) agreement. This agreement establishes carrier service and performance standards which participating carriers agree to provide. Commercial carriers desiring to participate in this program must enter into individual TOS agreements with GSA, acting on behalf of executive agencies. Carriers that desire to enter into a TOS agreement or agencies desiring additional information should contact the General Service Administration, Traffic and Travel Management Branch (6FBX), 1500 East Bannister Road, Kansas City, MO 64131.

§ 101-40.203 Household goods movement procedures.

§ 101-40.203-1 Household goods rate tenders.

GSA will accept or reject household goods carriers' rate tenders (see § 101-40.306) on behalf of executive agencies. Executive agencies shall reject rate tenders not submitted in accordance with this Subpart 101-40.2. Household goods carriers' TOS agreements and individual rate tenders covering interstate and intrastate shipments shall be submitted to the Chief, Travel and Transportation Management Branch (6FBX). (See § 101-40.101-1.) Rate tenders shall be effective for a 12-month period beginning October 1 of each year unless a shorter period is established by the Chief, 6FBX. To qualify under the centralized household goods traffic management program, these tenders must be submitted in accordance with instructions issued by the Chief, 6FBX.

§ 101-40.203-2 The GBL method.

(a) For the purposes of the centralized household goods traffic management program described in this subpart 101-40.2, shipments of Government employees' household goods authorized to move under a Government bill of lading (GBL) are classified as "GBL method" shipments. This method is distinguishable from the commuted rate system (§ 101-40.203-3) in that when a GBL is used, the Government, not the employee, is the shipper and the Government pays the carrier the applicable transportation charges. The decision on which method shall be authorized is the decision of the employing agency, and shall be based on a cost comparison (see § 101-40.203-4) which the agency obtains from the appropriate GSA regional office specified in § 101-40.101-1 or an agency office delegated authority to furnish cost comparisons. The cost comparison shall contain the name(s) of the carrier(s) eligible to handle the household goods shipment. When a shipment moves under a GBL, the agency prepares the bill of lading, books the shipment, and in event of loss or damage to the household goods may either file claims directly with the carrier, on behalf of the employee, or assist the employee in filing claims against the carrier.

101-40.203.2(b)

(b) When the agency makes the final determination that the GBL method shall be used, the Government's financial obligation for the cost of shipping the employee's household goods is established. Once the GBL method is authorized and an employee chooses to move all or part of his/her household goods by some other means (see paragraphs (c) and (d) of this section), the Government's financial responsibility toward the employee for shipping costs is limited to the cost which the Government would have incurred had all the household goods been moved on one GBL, in one lot, from one origin to one destination, by the lowest cost carrier providing the level of service required by the agency at the time the GBL method was authorized.

(c) When an employee requests, for personal reasons, that his/her household goods be shipped by a carrier that is more costly than the carrier selected by the agency, the Government will pay the carrier's applicable charges and collect from the employee any additional transportation costs resulting from the employee's choice of carrier. Agencies are cautioned to counsel employees regarding their potential indebtedness to the Government when employees select a higher cost carrier.

(d) When an employee chooses to use a rental truck, trailer, or private conveyance to transport his/her household goods, the Government will reimburse the employee his/her actual expenses (e.g., vehicle rental fee, material handling equipment, packaging materials, fuel, toll charges, etc.) not to exceed the maximum amount described in paragraph (b) of this section.

§ 101-40.203-3 The commuted rate system.

The commuted rate system is the method whereby employees who are authorized to transport their household goods at Government expense make their own shipping arrangements and are reimbursed by the Government according to the GSA Commuted Rate Schedule. In addition to transportation allowances, the commuted rate schedule includes allowances for various related accessorial expenses, such as packing and crating, storage-in-transit, carrier labor charges, appliance servicing, and piano/organ handling. Under the commuted rate system, employees shipping via commercial carriers are responsible for making all arrangements with the carrier, filing loss and damage claims with the carrier, and making payment to the carrier after the shipment has been completed. Under the commuted rate system, the shipment is moved using commercial documents, or employees may elect to transport their household goods in a rental vehicle or by private conveyance. The use of household goods rate tenders (see § 101-40.203-1) is not authorized when household goods are shipped under the commuted rate system.

§ 101-40.203-4 Cost comparisons.

(a) Under the centralized household goods traffic management program, agencies shall obtain cost comparisons between the GBL method and the commuted rate system from the appropriate GSA regional office. Section 302-8.3(c) (4) (i) of the Federal Travel Regulation (41 CFR Chapters 301 through 304) provides that the commuted rate system shall be used for individual employee transfers without consideration being given to the GBL method, except that the GBL method may be used if the actual transportation costs (including the costs of packing and other accessorial services) to be incurred by the Government are predetermined and can be expected to result in a real savings to the Government of \$100 or more.

(b) Requests for cost comparisons shall be made as far in advance of the moving date as possible (preferably 30 calendar days) and shall contain the following information:

- (1) Name of employee to be moved;
- (2) Origin city, county, and State;
- (3) Destination city, county, and State;
- (4) Anticipated or actual date household goods are to be picked up;
- (5) Estimated weight of shipments;
- (6) Number of days storage-in-transit is required (if applicable); and
- (7) Other pertinent data.

(c) Agencies should use GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System Vs. GBL Method) for this purpose. (See § 101-40.4902.) In case of an emergency or an imminent moving date (less than 10 workdays), these details may be transmitted to the appropriate GSA regional office by phone. If information is received by phone, the response will be made by phone when requested. Regardless, all cost comparisons and carrier selection information will be confirmed in writing by the appropriate GSA regional office.

§ 101-40.204 Carrier selection and distribution of shipments.

A cost comparison, furnished to the requesting agency, will contain the names and point of contact for at least 10 eligible carriers on interstate traffic and up to 5 eligible carriers on intrastate traffic. Eligible carriers are those carriers which meet minimum service criteria established by GSA. Additionally, eligible carriers will be evaluated and ranked on the cost comparison (see § 101-40.203-4) based on completed GSA Forms 3080, Household Goods Carrier Evaluation Report (see § 101-40.205), submitted to GSA by Federal employees. Agencies authorizing the GBL method shall select the eligible carrier that meets the agency's service requirements and offers the lowest cost consistent therewith. Deviations from this methodology shall be documented in the requesting agency's records.

§ 101-40.205 Quality control.

GSA Form 3080, Household Goods Carrier Evaluation Report (see § 101-40.4902), is a form used by GSA and other agencies for monitoring the performance and quality of household goods carriers' service. When household goods shipments are made under the GBL method, the employee (following delivery of the shipment) should promptly complete his/her portion of GSA Form 3080 and send it to the agency GBL issuing officer responsible for the shipment to complete and forward to the Manager, GSA Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Information compiled from the completed GSA Form 3080 is used by GSA or other agencies to evaluate and rate the quality of carrier service and to determine if actions under § 101-40.208 should be considered. Agencies may submit other documentation of instances of inadequate carrier service or performance to the Manager, GSA Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Sufficient details must be furnished to identify specific shipments.

§ 101-40.206 Household goods carriers' liability.

The GSA tender of service (TOS) agreement and the carriers' applicable tariffs establish the carriers' minimum liability for the loss of or damage to Government employees' household goods transported in conjunction with this subpart. A value exceeding the established TOS or tariff minimum may be declared on the bill of lading, but the carrier will charge a valuation fee for each \$100, or fraction thereof, of such higher declared valuation. Employees should be fully informed as to the extent the Government will be monetarily responsible for the transportation of household goods, the differences in standard liability under Government and commercial bills of lading, the steps necessary to increase or decrease the carriers' liability, and the relative advantage the employee would have under the Military Personnel and Civilian Employees' Claims Act of 1964 (see § 101-40.207(b)) when the employee chooses to declare a valuation that either exceeds (in which case, the employee is liable for an excess valuation charge) or does not exceed the TOS or tariff minimum.

(a) When a Government employee's household goods are shipped under a GBL via carriers participating in the GSA Centralized Household Goods Traffic Management Program, the TOS agreement establishes the carrier's minimum liability for loss or damage, and the carrier's tender or tariff prescribes any additional charges for which the Government may be responsible relative to that liability. In the absence of an employee's written request for a valuation that exceeds the minimum liability specified in the TOS agreement, all GBLs should be annotated to show minimum liability specified in the TOS agreement. If an employee requests the agency to declare a valuation that exceeds the TOS minimum, the agency will enter the declaration on the GBL, pay the carrier the valuation fee (if applicable), and collect the fee from the employee. Should the employee's request for increased valuation be made after the GBL has been tendered to the carrier but before the shipment has been picked up, the employee should not make a separate arrangement with the carrier for increased valuation. Instead, the employee should notify the GBL issuing officer of the valuation desired, and request that the original GBL be amended on Standard Form 1200, Government Bill of Lading Correction Notice. (See § 101-41.4901-1200.)

101-40.206(b)

(b) When a Government employee's household goods are shipped under the commuted rate system, the employee makes all arrangements for moving his/her household goods, and is reimbursed to the extent provided in the commuted rate schedule. If the employee chooses to have his/her household goods transported by a commercial carrier, the shipment will move on a commercial bill of lading. The carrier's tariff establishes the standard level of carrier liability when the shipper fails to declare a value on the bill of lading, prescribes the options the shipper has for increasing or decreasing the carrier's standard liability, and sets the valuation fee payable when the declared value exceeds the minimum carrier liability for which no valuation fee applies. To limit the carrier to the minimum liability and avoid having to pay a valuation fee, the shipper must annotate the bill of lading in accordance with the provisions of the tariff.

§ 101-40.207 Household goods loss and damage claims.

(a) Claims for loss and damage to household goods will normally be filed and processed with the line-haul carrier; i.e., the carrier to which the household goods were tendered and which is shown on the bill of lading as having received the shipment. Depending on agency policy, claims for the repair, replacement, or loss of household goods may be filed by either the agency or the employee (as owner of the goods). When the employee files the claim, the agency or the appropriate GSA regional office will furnish the employee necessary assistance in claim procedures.

(b) Under 31 U. S. C. 3721 (the Military Personnel and Civilian Employees' Claims Act of 1964, as amended), employees who sustain a loss or damage to their household goods (transported incident to service) that exceeds the amount recovered from a carrier in settlement of a claim may file claim against the United States for the difference. Pursuant to Pub. L. 100-565, agencies may compensate employees up to \$40,000 on claims arising on or after October 31, 1988. When it is the policy of an agency not to compensate its employees under the Act, the agency should advise employees of the options available to them for insuring their household goods against greater monetary loss. (See § 101-40.206(b) of this subpart.)

(c) When settling a claim for loss or damage to a shipment of household goods, carriers may settle either for the full value declared by the shipper or arrive at the current actual value of the lost or damaged item by using the criterion of replacement cost of the lost or damaged item, less depreciation. The basis upon which such carriers will settle a claim is contained in carriers' tariffs or is referenced in section 10721 (49 U. S. C. 10721) quotations on file with GSA and the Interstate Commerce Commission.

(d) Regulations governing household goods carriers subject to the Revised Interstate Commerce Act are contained in 49 CFR Part 1056.

(e) Additional information concerning processing loss and damage claims may be obtained from the appropriate GSA regional office.

§ 101-40.208 Temporary nonuse, debarment, or suspension of household goods carriers.

Based on information obtained from the completed GSA Form 3080 or documented instances of other service complaints or deficiencies, agencies may place household goods carriers in temporary nonuse, debarred, or suspended status in accordance with the procedures specified in subpart 101-40.4.

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Subpart 101-40.3-Rates, Routes, and Services

§ 101-40.300 Scope of subpart.

This subpart prescribes regulations governing the determination and use of rates and related data in the transportation of property for the Government; selection of the mode of transportation and the carriers within the mode; and negotiations of classification ratings, rates, and services.

§ 101-40.301 GSA rate and routing services.

(a) Except as otherwise provided in this subpart, executive agencies shall obtain rate and/or routing information from the appropriate GSA regional office when they have general freight or household goods shipments categorized as follows:

Shipment category	Shipment weight
Surface shipments other than household goods. (See § 101-40.305-3 for exemption.)	10,000 pounds and over, or shipments (regardless of weight) that occupy the full visible Capacity (see note) of a railcar or a tractor-trailer combination(s)
Air shipments	1,000 Pounds and over
Household goods shipments	All shipments, regardless of weight (except will not apply on shipments moving in foreign commerce; see 101-40.101-1(b)). (See subpart 101-40.2 for shipments moving within the conterminous U. S.)

Note.--Full visible capacity generally means that quantity of freight which in the manner loaded so fills a vehicle that no additional article in the shipping form tendered identical in size to the largest article in the shipment can be loaded in or on the vehicle. Consult governing tariffs for precise definition and application.

(1) Unless otherwise revoked by the GSA Central Office, permanent exemption from the rate and routing requirements of this section is granted to the Federal Emergency Management Agency (FEMA), Department of Energy (DOE), National Aeronautics and Space Administration (NASA), and the United States Department of Agriculture (USDA) to the following extent:

- (i) FEMA: Initial positioning of mobile homes shipped in response to disasters;
- (ii) DOE: Priority energy and classified defense and nuclear waste management shipments;
- (iii) NASA: Shipments of key, critical items necessary to the success of space and aerospace research, development, acquisition, flight or launch activities; and
- (iv) USDA: Emergency shipments of forest firefighting materials and equipment; household goods shipments to and from isolated areas.

(2) To meet other transportation exigencies of a critical and recurring nature, executive agencies, other than those exempted to the extent noted in paragraph (a)(1) of this section, may request the appropriate GSA regional office to grant a temporary exemption from the routing requirements of this section, in a local emergency, which precludes the requesting of routing instructions in accordance with the requirements of this section, routing by any transportation mode may be made without prior approval. Requests for temporary exemption shall be in writing, and the appropriate GSA regional office will accept or deny the request by written instructions to the requesting agency. Exemptions will be granted for a duration of time not to exceed 1 year; however, on written request, an exemption may be renewed or extended.

(b) Agencies shall submit requests for rate and routing information to the appropriate GSA regional office. Agencies may telephone urgent requests, and replies will be made by telephone and confirmed upon request by the use of GSA Form 420, Freight Rate and Route Request/Response, or GSA Form 2485, as appropriate. (See § 101-40.4902.)

(1) To obtain rate and routing information on shipments moving within the conterminous United States, shipment as far in advance of the proposed shipping date as possible. For freight shipments, GSA Form 420 may be used. The procedures in Subpart 101-40.2 shall be followed when requesting household goods rate and route information on shipments moving within the conterminous United States.

(2) To eliminate the need for repetitive routing instructions, GSA regional offices may issue standing route orders to cover normal repetitive movements (two or more shipments per month) of specific items between specified points by any mode of transportation. Ordinarily, a standing route order will be issued when the origin, destination,

rate tender. Shipments shall be described as specifically as possible. Trade names such as "Foamite" or "Formica" or general terms such as "vehicles," "furniture," or "Government supplies," shall not be used as bill of lading descriptions.

(b) Hazardous materials, such as explosives, flammable liquids, flammable solids, oxidizers, poison A, or poison B, shall be prepared for shipment and described on bills of lading or other shipping documents in accordance with the Department of Transportation Hazardous Materials Regulations, Subchapter C, Title 49 of the Code of Federal Regulations.

(c) Agencies which transport, or offer for transportation, hazardous waste, as described in 40 CFR Part 261, for off-site treatment, storage, or disposal are subject to regulations of the Environmental Protection Agency (EPA) and the Department of Transportation (DOT). The EPA and DOT, in a joint rulemaking effort, have developed a manifest system to ensure that hazardous waste designated for delivery to an off-site treatment, storage, or disposal facility actually reaches its destination. The central element of the system is the "manifest," a control and transport document that accompanies hazardous waste from its point of generation to its point of destination. Accordingly, agencies shall observe the provisions of 40 CFR Parts 260, 261, 262, and 271 and 49 CFR Parts 171 and 172, as required.

(d) Agency requests for specific freight descriptions shall be submitted to the appropriate GSA regional office.

§ 101-40.305 Transportation negotiations.

§ 101-40.305-1 Negotiations by GSA.

Except as provided in § 101-40.305-3, GSA regional offices will, on behalf of executive agencies, conduct all transportation negotiations with carriers to establish or modify rates, charges, ratings, services, and rules or regulations pertaining thereto.

§ 101-40.305-2 Cost analysis required on substantial movements.

Except as provided in § 101-40.305-3, executive agencies shall submit to the appropriate GSA regional office complete information concerning planned transportation so that a cost analysis may be made to determine whether negotiation is appropriate. This information should be submitted as far in advance of the planned transportation as possible. The information supplied shall be detailed and shall include property characteristics (those requiring shipment in bags, boxes, or bulk; hazardous properties; weight; dimension; density; value; and susceptibility to damage), origin, destination, number of shipments, weight per shipment, planned shipping schedule, and planned required delivery date.

§ 101-40.305-3 Negotiations by other executive agencies.

Except for the transportation of household goods under subpart 101-40.2 and where GSA has not entered into office relocation contracts pursuant to § 101-40.109-2, executive agencies are authorized to negotiate with carriers in establishing or modifying rates, charges, classification ratings, services, and rules or regulations pertaining thereto under the following conditions:

(a) When the total quantity of property to be shipped does not exceed 100,000 pounds per shipment or when the known aggregate of more than one shipment will not exceed 100,000 pounds.

Note.--Agencies making surface shipments under agency-negotiated rates as authorized in this section are exempt from obtaining GSA rate and routing information as required in § 101-40.301(a).

(b) [Reserved]

(c) When the planned shipment is less than that which would require the assessment of carload or truckload rates.

(d) When approval to negotiate is granted by the GSA Central Office or the appropriate GSA regional office.

Note.--§ 101-40.305-3 does not prohibit executive agencies from seeking GSA assistance in negotiations.

§ 101-40.306 Rate tenders to the Government.

Under the provisions of section 10721 of the Revised Interstate Commerce Act (49 U. S. C. 10721), common carriers are permitted to submit tenders to the Government which contain

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transportation rates and/or charges for accessorial services that are lower than those published in tariffs applicable to the general public. In addition, rate tenders may be applied to shipments other than those made by the Government provided the total benefits accrue to the Government; that is, provided the Government pays the charges or directly and completely reimburses the party that initially pays the freight charges (Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc., 332 I. C. C. 161 (1968)).

§ 101-40.306-1 Recommended rate tender format.

(a) Executive agencies will use only those rate tenders which carriers have submitted in writing. Carriers should be encouraged to use Optional Form 280, Uniform Tender of Rates and/or Charges for Transportation Services, when preparing and submitting rate tenders to the Government. Optional Form 280 (see § 101-40.4903) is approved by the Office of Management and Budget under OMB control number 3090-0038. Rate tenders that are ambiguous in meaning shall be resolved in favor of the Government; therefore, explicit terms and conditions are necessary to preclude misunderstandings by the parties to the rate tender.

(b) Carriers may purchase Optional Form 280 from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, or print it commercially. When ordering this form from the Superintendent of Documents, specify national stock number 7540-01-092-8057. When printing this form commercially, carriers shall ensure that the form conforms to the same size, wording, and arrangement of the approved optional form and, while no minimum grade or paper is set, carriers shall provide a reasonable grade of paper stock.

§ 101-40.306-2 Required shipping documents and annotations.

(a) To qualify for transportation under section 10721 rates, property must be shipped by or for the Government on:

- (1) Government bills of lading;
- (2) Commercial bills of lading endorsed to show that these bills of lading are to be converted to Government bills of lading after delivery to the consignee; or
- (3) Commercial bills of lading showing that the Government is either the consignor or the consignee and endorsed with the following statement: "Transportation hereunder is for the (name the specific agency, such as the General Services Administration) and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and are to be reimbursed by, the Government."

(b) When a rate tender is used for transportation furnished under a cost-reimbursable contract, the following endorsement shall be used on covering commercial bills of lading:

"Transportation hereunder is for the (name the specific agency, such as the General Services Administration), and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are to be reimbursed by the Government, pursuant to cost reimbursable contract number ().

This may be confirmed by contacting the agency representative at (name and telephone number)." (See 332 ICC 161.)

(c) To ensure proper application of a Government rate tender on all shipments qualifying for their use, the issuing officer shall show on the bills of lading covering these shipments the applicable rate tender number and carrier identification, such as, "ABC Transportation Company, Tender ICC No. 374." In addition, if commercial bills of lading are used, they shall be endorsed as specified in paragraphs (a) or (b) of this section, as necessary.

§ 101-40.306-3 Distribution.

Each agency receiving rate tenders shall promptly submit one signed copy to the National Capital Region (NCR) office listed in § 101-40.101-1(a) and two copies (including at least one signed copy) to the General Services Administration, Office of Transportation Audits (FW), Washington, DC 20405.

§ 101-40.306-4 Bill of lading endorsements.

To ensure application of Government rate tenders to all shipments qualifying for their use, bills of lading covering the

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shipments shall be endorsed with the applicable tender or quotation number and carrier identification; e.g., "Section 10721 quotation, ABC Transportation Company, Tender I. C. C. No. 143." In addition, where commercial bills of lading are used rather than Government bills of lading, the commercial bills of lading shall be endorsed in conformance with the provisions set forth in § 101-40.306-2(a). (For specific regulations covering transportation generated under cost-reimbursement type contracts, see 48 CFR 47.104-3.)

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-81, MAY 1987)

4008.1

Subpart 101-40.4--Temporary Nonuse, Debarment, and Suspension of Carriers

§ 101-40.400 Scope of subpart.

This subpart prescribes:

(a) Policies and procedures governing the temporary nonuse, debarment, and suspension of commercial carriers transporting freight or household goods for the account of civilian executive agencies;

(b) Provisions for the listing of temporary nonuse, debarred, or suspended carriers; and

(c) Treatment to be accorded carriers which are placed in temporary nonuse, debarred, or suspended status.

§ 101-40.401 Policy.

(a) Executive agencies shall obtain transportation services from responsible commercial carriers providing consistent and satisfactory service to meet an agency's needs. Temporary nonuse, debarment, and suspension are discretionary actions which, when taken in accordance with this subpart, are appropriate means to implement this policy.

(b) The Federal Acquisition Regulation (FAR), codified at 48 CFR Subpart 9.4, implements on a Government-wide basis the uniform policies and procedures governing the debarment and suspension of Government contractors, promulgated by the Office of Federal Procurement Policy (OFPP), Office of Management and Budget, in Policy Letter 82-1, issued June 24, 1982 (47 FR 28854, July 1, 1982), and shall apply to contracts for transportation (including bills of lading). A Government bill of lading (GBL) is a contract for transportation services. (See 41 CFR 101-41.302-2(a)(1).) A commercial bill of lading is also a contract for transportation services.

(c) Temporary nonuse is not governed by OFPP Policy Letter 82-1 since temporary nonuse does not have Government-wide effect and may be initiated by agency transportation officers. Debarment and suspension, however, shall only be imposed by the designated official specified in this subpart.

(d) Debarment or suspension of a carrier precludes the executive agency, including the Department of Defense, from awarding such carrier a contract for transportation.

(e) Agencies shall establish appropriate procedures to implement the policies and procedures of this subpart.

§ 101-40.402 General.

(a) Temporary nonuse may be imposed by an authorized agency transportation officer for the causes set forth in § 101-40.408-2. This action should be taken when a carrier's failure to provide adequate service indicates that the carrier's continued participation poses a risk to effective operation of agency transportation programs. Temporary nonuse is a localized program response to service failures which the carrier can readily correct during a period of limited exclusion.

(b) Department is designed to protect the Government by excluding a carrier for a specified period of time following completion of an investigation or legal proceeding. A carrier may be debarred for willful and/or persistent service failures or if the agency's debarring official determines that a Government-wide exclusion of the carrier is necessary to ensure the integrity of Government transportation programs. The agency's transportation officer shall refer carriers to the agency's debarring official in accordance with 48 CFR 9.406, if the carrier has willfully and/or persistently failed to comply with its contractual obligations under the terms and conditions of any contract for transportation. Referrals for criminal and/or civil fraud prosecutions should be made by the agency's Inspector General or an equivalent official.

(c) Suspension is designed to protect the Government pending the outcome of a legal proceeding or investigation concerning criminal activity, civil fraud, or antitrust violations concerning contractual relations with the Government. When the agency transportation officer suspects that a carrier has engaged in such conduct, the matter should be referred to the agency's Inspector General or an equivalent official.

PART 101-40 TRANSPORTATION AND TRAFFIC MANAGEMENT

101-40.402-1

§ 101-40.402-1 [Removed and reserved]

§ 101-40.403 Definitions.

- (a) "Affiliates" means carriers or individuals if, directly or indirectly---
 - (1) Either one controls or can control the other, or
 - (2) A third party controls or can control both.
- (b) "Agency" means executive agencies unless otherwise noted.
- (c) "Consolidated list" means the list compiled, maintained, and distributed by GSA under 48 CFR 9.404 to identify Government contractors debarred or suspended. For the purpose of implementing the provisions of this subpart, the contractor listing shall also include debarred or suspended commercial carriers.
- (d) "Carrier" means any individual or other legal entity authorized to transport freight or household goods under a certificate, license, or permit issued by a Federal, State, or local regulatory body.
- (e) "Contract for transportation" means a GBL, commercial bill of lading, purchase order, rate tender, or any other instrument establishing binding obligations on the Government to purchase, and the carrier to provide. transportation services.
- (f) "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction whether entered upon a verdict or plea, and includes a conviction entered upon a plea of *nolo contendere*.
- (g) "Debarment" means action taken by a debarring official under 48 CFR 9.406 to exclude a carrier for a specified period of time from receiving on a Government-wide basis any type of contract for transportation.
- (h) "Debarring official" means the head of an agency or an official authorized under 48 CFR 9.403 by the head of an agency to impose debarment.
- (i) "Indictment" means indictment for a criminal offense. Any information or other filing by competent authority charging criminal offense shall be given the same effect as an indictment.
- (j) "Legal proceeding" means any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term includes appeals from such proceedings.
- (k) "Reviewing official" generally means the transportation officer's immediate supervisor. Agencies may designate other personnel as reviewing officials for the purpose of reviewing decisions to place carriers in temporary nonuse status provided such designations are consistent with the individual's current duties and responsibilities.
- (l) "Suspending official" means the head of an agency or an official authorized under 48 CFR 9.403 by the head of an agency to impose suspension.
- (m) "Suspension" means action taken by a suspending official under 48 CFR 9.407 to disqualify a carrier temporarily on a Government-wide basis from receiving any contracts for transportation; a carrier so disqualified is "suspended."
- (n) "Temporary nonuse" means action taken by a transportation officer under § 101-40.408 to exclude a carrier for a specified period of time from participating in shipments of freight or household goods under tariffs, rate tenders, tenders of service, commercial or Government bills of lading, and similar arrangements to or from specified transportation facilities.
- (o) "Transportation facility" means an agency installation, depot, or shipping and receiving point which handles Government traffic.
- (p) "Transportation officer" means agency traffic managers or other officials responsible for managing bill of lading type commitments. Agencies may designate other personnel as transportation officers for the purpose of imposing temporary nonuse status provided such designations are consistent with the individual's current duties and responsibilities.

§ 101-40.403-1 [Removed and reserved]

§ 101-40.403-2 [Removed and reserved]

§ 101-40.404 Maintenance of a list of temporary nonuse, debarred, or suspended carriers.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

§ 101-40.404-1 Listing temporary nonuse carriers.

Each agency that places a carrier in temporary nonuse shall:

- (a) Compile and maintain a current list of carriers placed in temporary nonuse;
- (b) Direct inquiries concerning the listed carriers to the transportation officer that took the action; and
- (c) Establish procedures to provide for the effective use of the list to ensure that the scope and duration of the temporary nonuse status are communicated to all affected transportation facilities.

§ 101-40.404-2 Listing debarred or suspended carriers.

(a) Carriers which have been debarred or suspended by agency debarring/suspending officials will be included on the consolidated list in accordance with the procedures established at 48 CFR 9.404.

(b) Agency transportation officers should make arrangements for access to the consolidated list through their agency's debarring and/or suspending official.

(c) Agencies shall establish effective internal procedures for the use of the consolidated list to ensure that the agency does not award contracts for transportation to debarred or suspended carriers.

§ 101-40.404-3 [Removed and reserved]

§ 101-40.404-4 [Removed and reserved]

§ 101-40.404-5 [Removed and reserved]

§ 101-40.405 Agency records.

(a) At a minimum, each agency's records relating to a carrier's temporary nonuse shall, in accordance with the agency's internal records retention procedures, contain the following information:

- (1) The name, address, and Standard Carrier Alpha Code (BCAC) (see 41 CFR 101-41.310-2(d)) of each carrier placed in temporary nonuse status;
 - (2) The duration and scope of the temporary nonuse status;
 - (3) The cause for imposing temporary nonuse, and the facts which demonstrate the existence of such a cause;
 - (4) Information and arguments in opposition to the imposition of temporary nonuse period submitted by the carrier or his/her representative; and
 - (5) The reviewing official's determination regarding maintaining or removing the temporary nonuse status.
- (b) Records concerning debarment or suspension of carriers shall be maintained in accordance with 48 CFR 9.406-3 and 9.407-3.

§ 101-40.406 Treatment to be accorded debarred or suspended carriers.

(a) Carriers debarred or suspended by an agency in accordance with 48 CFR Subpart 9.4 shall be excluded from receiving awards of contracts for transportation. Debarment and suspension shall be applied on a Government-wide basis on the named carriers and their named affiliates.

(b) Prior to requesting transportation services, agencies shall review the consolidated list for debarred or suspended carriers. If a carrier is listed, the carrier shall receive such treatment as specified therein.

§ 101-40.407 Agency coordination.

When more than one agency has an interest in debarring or suspending a carrier, consideration shall be given to designating one agency as the lead agency for making a decision. Similarly, when the cause for considering placing a carrier in temporary nonuse status involves more than one transportation facility, consideration should be given to designating one transportation officer as the lead official for the decision.

§ 101-40.408 Temporary nonuse.

§ 101-40.408-1 General.

The agency's authorized transportation officer may, in the best interest of the Government, place a

101-40.408-3(5)

carrier in temporary nonuse for a period not to exceed 90 consecutive days for any of the causes contained in § 101-40.408-2 using the procedures in § 101-40.408-3, except that if a carrier fails within the period specified to correct the cause(s) for which temporary nonuse was imposed, the period of nonuse will be extended an additional 30 days for debarment referral. The existence of a cause for temporary nonuse under § 101-40.408-2 does not necessarily require that a carrier be placed in temporary nonuse; the seriousness of the carrier's acts or omissions and any mitigating factors should be considered in making a temporary nonuse decision. A carrier placed in temporary nonuse is excluded from participating in the agency's transportation activities and programs to the extent and for the period specified. The extent or scope of temporary nonuse may be limited to those agency transportation facilities which have experienced the problems leading to the imposition of temporary nonuse on which may be reasonably expected to experience similar problems. Temporary nonuse shall not be extended to unaffected facilities solely for punitive reasons or to damage the carrier's operations.

§ 101-40.408-2 Causes for temporary nonuse.

A carrier may be placed in temporary nonuse for the causes listed in paragraphs (a) through (n) of this section.

(a) Willful violations of the terms of the tariffs, tenders of service, commercial or Government bills of lading, or similar arrangements determining the relationship of the parties;

(b) Persistent and/or willful failure to meet requested packing/pickup service requirements;

(c) Deliveries exceeding time-in-transit standards when established by the Government; e.g., the GSA household goods tender of service and transit times established for shipments from agencies or the GSA Federal Supply Service distribution centers;

(d) Failure to meet required delivery dates on commercial or Government bills of lading;

(e) Failure to furnish and use clean and safe vehicles and freight handling equipment;

(f) Violation of Department of Transportation (DOT) hazardous materials regulations;

(g) Mishandling of freight; e.g., damaged or missing transportation seals, or improper loading, blocking, packing, or bracing of property;

(h) Excessive damage or loss to material transported;

(i) Improper routing;

(j) Failure to pay just debts so as to subject Government shipments to possible frustration, unlawful seizure, or detention;

(k) Failure to maintain insurance coverage;

(l) Operating without legal authority;

(m) Failure to settle claims in accordance with applicable Government regulations; and
(n) Repeated failure to comply with the regulations of the DOT, the Interstate Commerce Commission (ICC), or State or local governments; or failure to comply with other applicable Government regulations.

§ 101-40.408-3 Procedures.

(a) *Investigation and referral.* Agencies shall prescribe procedures for placing a carrier in temporary nonuse. Further, the procedures shall provide that a carrier which fails, within the period of temporary nonuse, to correct the cause(s) for which temporary nonuse was imposed shall be referred to the agency's debarring official for appropriate action.

(b) *Notice of proposal to place a carrier in temporary non use.* The carrier shall be notified by certified mail with return receipt requested of the following information:

(1) The effective dates of the proposed temporary nonuse;

(2) The extent or scope of the proposed temporary nonuse including the specific transportation facilities to which the period of exclusion will be applicable;

(3) The facts relied on to support the specified cause(s) for temporary nonuse;

(4) A period of 7 calendar days from the date the transportation officer's notice is received during which the carrier may submit in person, in writing, or through a representative, rebuttal information and arguments opposing the temporary nonuse;

(5) A period of 5 workdays during which the transportation officer will

evaluate the carrier's rebuttal information and opposing arguments and render a decision;

(6) The availability of an appeal of the transportation officer's decision to a reviewing official, provided the request for review is received within 5 workdays of receipt of the transportation officer's decision;

(7) The corrective action required by the carrier to be removed from temporary nonuse; and

(8) An additional nonuse period of 30 calendar days during which the carrier that fails to correct the cause(s) for temporary nonuse will be referred to the agency's debarring official for appropriate action.

(c) *Decision-making process.* (1) Agencies shall prescribe procedures governing the temporary nonuse decision-making process, which shall be as informal as practicable, consistent with principles of fundamental fairness. The procedures shall afford the carrier an opportunity to submit in person, in writing, or through a representative, information and argument in opposition to a temporary nonuse status.

(2) If the carrier requests a review of the transportation officer's decision, the transportation officer shall afford the carrier an opportunity to make a presentation, orally or in writing, or through a representative, to a designated agency reviewing official. This presentation shall be held within 5 workdays of the transportation officer's receipt of the carrier's request for a review of his/her decision. The reviewing official shall:

(i) Consider the carrier's submission, investigate the contentions made, and make written findings of fact concerning the matters in dispute;

(ii) Assess mitigating factors and corrective measures proposed by the carrier;

(iii) Determine whether the facts, as found during his/her review, support a cause for imposition of the period of temporary nonuse proposed by the transportation officer; and

(iv) Inform the carrier of the result of his/her review within 5 workdays of receiving the carrier's submission or presentation.

(3) The effective date of the period of temporary nonuse may be delayed if there is a review by a designated agency reviewing official. Should a period of temporary nonuse be imposed following such a review, the period of temporary nonuse shall be adjusted to reflect the period proposed by the transportation officer unless a different period is recommended by the reviewing official.

(d) *Decision to impose temporary non use.* In actions in which a carrier does not request a review of the transportation officer's decision, the transportation officer shall make a decision on the basis of all the information contained in the administrative record, including any submission by the carrier. The Transportation officer shall inform the carrier of his/her decision within 5 workdays of the closing of the period for evaluating the carrier's information and arguments or his/her receipt of the reviewing officer's report. This decision shall be communicated in writing, by return receipt mail, and shall include notice of:

(1) The extent or scope of the period of nonuse including the specific transportation facilities affected by the period of temporary nonuse;

(2) The effective dates of the period of temporary nonuse;

(3) The corrective action, if any, necessary to be removed from temporary nonuse status;

(4) An additional period of 30 calendar days for debarment referral if the conduct leading to the imposition of the period of temporary nonuse continues; and

(5) Procedures for the carrier to obtain a review of the transportation officer's decision by a designated reviewing official.

§ 101-40.408-4 Period of temporary nonuse.

Temporary nonuse shall be for a period commensurate with the seriousness of the cause(s) for temporary nonuse, but not for more than 90 consecutive days, except that the period of temporary nonuse may be extended an additional 30 calendar days for debarment referral when the carrier fails to correct the cause(s) for which temporary nonuse was imposed. The transportation officer, for good cause, may impose temporary nonuse beginning the same day that the notice

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of proposed temporary nonuse is given when continued use of the carrier's services would place the Government at risk. The transportation officer may consider terminating the temporary nonuse or reducing the period of temporary nonuse, upon the carrier's application, supported by documentation, for reasons deemed appropriate by the transportation officer, such as:

- (a) Newly discovered material evidence;
- (b) Bona fide change in the carrier's ownership or management; or
- (c) Elimination of the cause(s) for which temporary nonuse was imposed.

§ 101-40.409 Debarment.**§ 101-40.409-1 General.**

(a) The debarring official may, in the best interest of the Government, debar a carrier for any of the causes contained in § 101-40.409-2, using the procedures provided in 48 CFR 9.406-3. The existence of a cause for debarment under § 101-40.409-2 does not necessarily require that a carrier be debarred; the seriousness of the carrier's acts or omissions and the mitigating factors should be considered in making any debarment decision.

(b) Debarment of a carrier constitutes debarment of all divisions or other organizational elements of the carrier, unless the debarment decision is limited by its terms to specific divisions or organizational elements. The debarring official may extend the debarment decision to include any affiliates of the carrier, if the affiliates are---

- (1) Specifically named and
- (2) Given written notice of the proposed debarment and an opportunity to respond.

(c) A carrier's debarment shall apply to all agencies including the Department of Defense unless the head of the agency requiring transportation services, or an authorized representative, states in writing the compelling reasons justifying continued business dealings between that agency and the carrier.

§ 101-40.409-2 Causes for debarment.

The debarring official may debar a carrier for any of the following reasons:

(a) Failure of a carrier, within the prescribed period of temporary nonuse, to correct any of the causes listed in § 101-40.408-2;

(b) Conviction of or civil judgment for:

- (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for transportation;
- (2) Violation of Federal or State antitrust statutes;
- (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of the carrier as a transporter of the Government's property or the household goods of its employees relocated in the interest of the Government.

(c) Violation of the terms of a contract for transportation so serious as to justify debarment, such as:

(1) Willful failure to perform in accordance with the terms of one or more contracts for transportation, or

(2) A history of failure to perform, or of unsatisfactory performance of, one or more contracts for transportation:

(d) Any other cause of so serious or compelling a nature that it affects the present responsibility of the carrier; or

(e) Debarment for any of the causes stated in paragraphs (a) through (d) of this section by another agency where the original debarment did not have Governmentwide effect.

§ 101-40.410 Suspension.**§ 101-40.410-1 General.**

(a) The suspending official may, in the Government's best interest, suspend a carrier for any of the causes stated in § 101-40.410-2, using the procedures provided in 48 CFR 9.407-3.

(b) Suspension is a serious action to be imposed on the basis of adequate evidence of one or more of the causes set forth in § 101-40.410-2, pending the completion of investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, consideration should be given to how much information is available, how credible it is given the

circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts of carriage, loss or damage reports, and correspondence. as appropriate.

(c) Suspension of a carrier constitutes suspension of all divisions or other organizational elements of the carrier, unless the suspension decision is limited by its terms to specific divisions or organizational elements. The suspending official may extend the suspension decision to include any affiliates of the carrier, if they are---

(1) Specifically named and

(2) Given written notice of the suspension and an opportunity to respond.

(d) A carrier's suspension shall apply to all agencies, including the Department of Defense, unless the head of an agency requiring transportation services, or an authorized representative, states in writing the compelling reasons justifying continued business dealings between that agency and the carrier.

§ 101-40.410-2 Causes for suspension.

(a) The suspending official may suspend a carrier suspected upon adequate evidence of:

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for transportation;

(2) Violation of Federal or State antitrust statutes;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the carrier as a transporter of the Government's property or the household goods of its employees relocated in the interest of the Government.

(b) Indictment for any of the causes in paragraph (a) of this section constitutes adequate evidence for suspension;

(c) The suspending official, may upon adequate evidence also suspend a carrier for any other cause of so serious or compelling a nature that it affects the present responsibility of a carrier; or

(d) A carrier may be suspended for any of the above causes based on a suspension by another agency where the original suspension does not have Governmentwide effect.

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Subpart 101-40.7--Reporting and Adjusting Discrepancies in Government Shipments**§ 101-40.700 Scope of subpart.**

This subpart prescribes regulations and procedures for reporting and adjusting overages, shortages, losses, damages, and other discrepancies between the quantity or condition of property in shipments received from commercial carriers and the quantity or condition of that property as shown on the covering bill of lading or other transportation document. (Specific additional requirements for reporting discrepancies in shipments received from GSA or DOD are set forth in the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings, issued pursuant to Subpart 101-26.8.)

§ 101-40.701 Receipt of shipment from carrier.

When accepting delivery of a shipment from the carrier, a careful inspection and check shall be made of the quantity and condition of the property received, and an accurate record shall be made and kept of any discrepancies or variations between the data shown on the covering bill of lading or other transportation document and the quantity and condition of property actually received. When an overage, shortage, loss, damage, or other discrepancy is noted upon receipt of shipment, a discrepancy report shall be prepared as required in § 101-40.702-3. A damaged shipment shall not be rejected regardless of the degree of damage or the contract delivery terms, except as indicated in § 101-40.704-1(c). The consignee shall take reasonable precautions to protect the damaged property in order to mitigate the losses to the carrier. Care shall be taken to preserve the contents, the original package, and the packing material pending completion of inspection by the carrier. Where applicable, the following actions shall be taken in checking and documenting delivery conditions:

(a) When a shipment is received in a closed conveyance, a notation shall be made on the carrier's delivery receipt or freight bill and on the consignee's copy of the delivery receipt or freight bill of the number and condition of any seals; i.e., intact, broken, or missing, on the carrier's conveyance and whether the shipment was properly loaded, stowed, blocked, and braced.

(b) On shipments other than in bulk, the number of pieces or packages in the shipment shall be physically counted and recorded by means of a stroke tally or other appropriate method.

(c) A notation shall be made on the carrier's delivery receipt, if available, and the consignee's copy of the delivery receipt or freight bill of the condition of the railcar, motor vehicle, container, or other conveyance with particular attention to any circumstance that might contribute to loss or damage; e.g., loose flooring or sides or protruding nails or bolts. When there is suspicion or evidence of damage to an ocean shipment, the ocean carrier or his agent shall be requested to furnish details concerning the manner of stowage of the shipment aboard the vessel.

(d) If a shipment is received in apparent bad order; e.g., if the load is shifted or jumbled or containers are broken or leaking, photographs of the damaged freight and/or of conditions of loading which might have contributed to the damage shall be made, whenever possible, for use as documentary evidence in the event of a claim. Each photograph shall be marked indelibly with the Government or commercial bill of lading number, the ocean or international air bill of lading number and/or the carrier's delivery receipt number, the vehicle identification number or vessel's name, and the date the photograph was taken. Photographs of damaged shipments delivered by ocean carriers shall be made at the ocean carrier's terminal prior to accepting the shipment.

(e) Explosives, dangerous articles, and other hazardous materials shall be handled in accordance with applicable Federal regulatory requirements.

§ 101-40.702 Documenting and reporting discrepancies.**§ 101-40.702-1 Exception on carrier's delivery receipt.**

(a) Before signing the carrier's delivery receipt, the Government consignee (or representative) shall note on the receipt specific details regarding the nature and extent of all apparent overages, shortages, losses, damages, or other discrepancies between the quantity and condition of the property as received and as shown on the covering bill of lading or other transportation document. Any notation placed on the carrier's delivery receipt shall also be shown on the consignee's copy of the delivery receipt or

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freight bill. The consignee shall sign and date these notations and request the carrier's driver or representative also to sign the notations.

(b) In the instance of an ocean shipment, placing an exception on the carrier's delivery receipt is not necessary if the condition of the shipment has been the subject of a joint survey or inspection; that is, if representatives of the carrier and the consignee jointly surveyed or inspected the shipment while it was still in the possession of the carrier, and a copy of the joint report signed by both representatives is in the possession of the consignee (46 U. S. C. 1303 (6)).

§ 101-40.702-2 Discrepancies in Government bill of lading shipments.

(a) When a shipment is made on a Standard Form 1103, U. S. Government Bill of Lading, or on a Standard Form 1203, U. S. Government Bill of Lading-Privately Owned Personal Property, the consignee shall make certain the Government bill of lading number is shown on both the carrier's delivery receipt and the consignee's copy of the delivery receipt. When a shipment is made on a commercial bill of lading to be converted to a Government bill of lading, in which case the Government bill of lading number would not normally be known at the time of delivery, the consignee shall sign the delivery receipt and enter the Government bill of lading number, when it becomes available, on the consignee's copy of the delivery receipt.

(b) When a discrepancy occurs in a shipment made on a Government bill of lading, appropriate notations shall be made on the delivery receipt as required in § 101-40.702-1 and a discrepancy report shall be prepared as required in § 101-40.702-3.

(c) The agency responsible for payment of freight charges, as identified in the "Charges to be billed to" space on the Government bill of lading, is usually also responsible for determining carrier liability (see § 101-40.707-2) and processing claims (see § 101-40.710). The consignee shall forward a discrepancy report and copies of supporting documents; e.g., delivery receipts, photographs, and carrier's inspection reports, to that agency, to the shipper at the address shown on the Government bill of lading, and to any other addressees as may be required by the agency's regulations. In addition, copies of discrepancy reports and supporting documents relating to special categories of property shall be forwarded to appropriate offices as required in § 101-40.702-3 (c), (d), and (e).

§ 101-40.702-3 Preparation of a discrepancy report.

(a) When the total value of the loss, damage, shortage, or other discrepancy, or the value of repairs or replacement, including unearned freight charges, where applicable, on a single bill of lading or other transportation document, does not exceed \$50. Government agencies are authorized, but not required, to observe a minimum of \$50 or less in processing loss and damage claims against carriers or forwarders and to absorb losses of \$50 or less.

(b) When the total value of the loss, damage, shortage, or other discrepancy, or the value of repairs or replacement, including unearned freight charges, where applicable, on a single bill of lading or other transportation document exceeds \$50 or the minimum (i.e., \$50 or less) set by the agency, the receiving activity shall prepare Standard Form 361, Transportation Discrepancy Report, as soon as possible, but not later than 45 calendar days after receipt of the shipment or discovery of the discrepancy. Every effort shall be made to reconcile overages or shortages within 15 calendar days after discovery. (Suspected pilferage, theft, or loss during transit of narcotics, hazardous articles, or sensitive materials, regardless of dollar value, shall be reported to the appropriate agencies within 24 hours in accordance with paragraphs (c), (d), and (e) of this section.) Any photographs taken as documentary evidence (see § 101-40.701(d)) should be attached to the discrepancy report to support claim action. Standard Form 361 (SF 361) (see § 101-40.4901) is approved by the Office of Management and Budget under OMB reports control number 3090-0093. Guidelines for the preparation of SF 361 are contained in § 101-40.4901-361-1. (See the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (subpart 101-26.8) for specific requirements for reporting discrepancies in shipments from GSA or DOD.)

(c) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of narcotics or other controlled

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substances (as identified in 21 CFR 1308.11 through 1308.15), shall be reported by telephone within 24 hours after discovery to the agency or activity responsible for the shipment, and SF 361 shall be prepared and distributed immediately to any addressees as may be required by the agency's regulations. In addition, persons who are registered with the Drug Enforcement Administration (DEA) pursuant to 21 CFR Part 1301 are required to complete DEA Form 106, Report of Theft or Loss of Controlled Substances, as prescribed in 21 CFR 1301.74(c).

(d) Pilferage, theft, or loss regardless of dollar value, occurring in a shipment of ammunition, explosives, or other hazardous articles (as identified in 49 CFR Part 172) shall be reported by telephone within 24 hours after discovery to the agency or activity responsible for the shipment. In addition, SF 361 shall be prepared and distributed immediately to any addressees as may be required by the agency's regulations.

(e) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of (1) security classified material, (2) protected (sensitive) material; e.g., small arms, which are highly pilferable and have a ready use during civil disturbances or a sale potential in illicit markets, or (3) protected (controlled) material; e.g., money, negotiable instruments, precious metals, or alcoholic beverages, shall be reported by telephone within 24 hours after discovery to the agency responsible for the shipment. In addition, a written discrepancy report shall be prepared and distributed immediately.

§ 101-40.703 Notification of carrier.

§ 101-40.703-1 [Reserved]

§ 101-40.703-2 Notice of visible loss, damage, or shortage.

(a) Usually, it is sufficient to notify the last line-haul or delivering carrier (not a drayage or switching carrier) of a shipment discrepancy by annotating the carrier's delivery receipt. This notation shall be entered on the consignee's copy of the delivery receipt. When the carrier's delivery receipt is not available at the time of delivery of the shipment, notification shall be made within 24 hours by telephone to the nearest office of the delivering carrier to provide the carrier an opportunity, if desired, to verify the loss, damage, or shortage. Except as provided in § 101-40.702-3(a), in every instance of damage or shortage, the agency shall notify the carrier on SF 361 within 7 calendar days of receipt of the shipment and invite the carrier to perform an inspection, except in those instances where it is known that the total amount of damage or shortage, or the value of repairs or replacement, including unearned freight charges, on a single bill of lading or other transportation document, does not exceed \$50. If the carrier waives the opportunity to perform an inspection, the responsible Government employee receiving the shipment shall make a written record of the waiver, including the date the request for inspection was made and the name of the carrier representative who was contacted and waived inspection. In the instance of an international shipment by an ocean or air carrier, SF 361 shall be furnished the carrier before the property is removed from the carrier's possession, except as provided in § 101-40.702-1(b).

(b) If the damaged property is of a perishable nature or is in such a condition as to be potentially injurious to life, health, or property, prompt notification to the carrier shall be made by telephone and confirmed in writing. If the carrier fails to perform a timely inspection and to participate in the disposition proceedings, necessary steps shall be taken to dispose of the property in a manner which will mitigate the loss to the carrier and avoid injury to other property or persons.

(c) In the instance of a domestic shipment, If the lost or damaged shipment involves nonperishable material, the property shall be held for a reasonable time (usually 5 workdays after notification) to allow the carrier time to complete inspection.

(d) When an entire shipment is lost, the consignee shall notify the origin carrier by telephone and use SF 361 to confirm the notification.

§ 101-40.703-3 Notice of concealed loss, damage, or shortage.

(a) *Domestic shipments.* When loss, damage, or shortage that was not apparent at the time of delivery is subsequently discovered, and the total amount of loss, damage, or shortage, including unearned freight charges,

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101-40.703-3(a)

where applicable, on a single bill of lading or other transportation document, is known to exceed \$50 or the amount (\$50 or less) set by the agency pursuant to § 101-40.702.3(a). the delivering carrier (not a drayage or switching carrier) shall be notified by telephone and requested to inspect the property involved. Unless there are extenuating circumstances, the notification and request for inspection shall be made by telephone not later than 15 calendar days from the date of receipt of the shipment and confirmed on SF 361, SF 381 shall include the date the telephone request for inspection was made and the name of the carrier's representative who was contacted. A copy of the notification and request for inspection shall be retained for possible claim purposes. Wrappings, packing materials, and any unopened packages shall be retained for the carrier's inspection. A copy of the carrier's inspection report shall be requested for use in determining liability or preparing a claim. If the carrier fails to make an inspection within a reasonable time as stated in § 101-40.703-2(c), or if the carrier waives the opportunity to perform an inspection, the carrier shall furnish an oral or written waiver as provided in SF 361.

(b) *International shipments.* When loss, damage, or shortage that was not apparent at the time of removal of the property from the carrier's possession is subsequently discovered when the packages are opened, the carrier shall be notified promptly in writing using SF 361. When an ocean carrier is involved, the written complaint shall be given to the carrier or its agency at the port of discharge within 3 calendar days of delivery (46 U. S. C. 1303(6)). When an international air carrier is involved, a written complaint to the carrier shall be given within 14 calendar days of receipt of the property (Article 26 of the Warsaw Convention, 49 Stat. 3020, as interpreted and applied by the Civil Aeronautics Board in its Order 78-8-10 of August 3, 1978). Written notice to ocean and international air carriers shall indicate a reasonable period of time for inspecting concealed loss or damage.

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(AMENDMENT G-81, MAY 1987)

§ 101-40.704 Disposition of damaged property.**§ 101-40.704-1 Transportation for account of the Government.**

(a) *Repair and utilization.* Where damaged property can be repaired economically and satisfactorily, arrangements shall be made by the Government agency paying the transportation charges, or its authorized representative, to have the repairs effected and to claim against the carrier for the costs thereof. Alternatively, the carrier may be allowed to perform the repairs or make the necessary arrangements therefor, subject to inspection and acceptance by Government agency inspectors or other designated representatives. However, in no case shall property subject to security regulations be released to the carrier or to any unauthorized personnel for repair.

(b) *Allowance for damage.* When the agency finds it not desirable or feasible to make repairs immediately, and the carrier does not make repairs, the amount of damage or the cost of making repairs in the future may be determined by appropriate means (e.g., by mutual agreement of representatives of the carrier and the Government or by estimates obtained from qualified and disinterested parties).

(c) *Rejection.* (1) Property may be rejected to the carrier and claim made for its full value only when it has been damaged to the extent that it has no salvage value or it is not economically repairable; that is, the cost of repairs would exceed the appraised value of the repaired item (see exception in subparagraph (3) of this paragraph).

(2) When it is determined that property has been damaged to the extent that it has no salvage value or is not economically repairable, and that it can be abandoned, the carrier shall be notified promptly of the location of the rejected property and shall be requested to make appropriate disposition of it.

(i) If the carrier refuses to accept the rejected property, the agency shall request, in writing, that the carrier furnish a written statement of the reason for refusing the property. Upon receipt of the written refusal, the agency shall take appropriate action to dispose of the rejected property; or

(ii) If the carrier fails to make appropriate disposition of the rejected property within a reasonable length of time, the agency shall notify the carrier, in writing, that the property will be disposed of by the agency without further delay.

(3) Property which is designated Top Secret, Secret, or confidential, or property which, for any reason, cannot be abandoned in the best interests of the Government, shall not be rejected to the carrier, regardless of the extent of damage.

§ 101-40.704-2 Transportation for account of the supplier.

When the transportation is performed by the carrier for the supplier rather than for the Government (e.g., when property is purchased f.o.b. destination), accurate notations of discrepancies shall be made on the carrier's delivery receipt and the consignee's copy of the carrier's delivery receipt or freight bill to assist the supplier in filing claims for transportation losses. The carrier's driver or representative shall be requested to sign the notations of discrepancies. Prompt notification on SF 361 shall be furnished to the supplier or to the agency contracting officer as individual agency regulations may provide. The notification shall include supporting documents; i.e., a copy of the annotated delivery receipt, photos, carrier's inspection report, or written waiver. (See Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (FPMR 101-26.8) with regard to damage to stock or nonstock items procured from GSA for direct delivery.)

§ 101-40.705 Disposition of overages and astray or misconsigned shipments.

(a) When the number of packages offered for delivery is more than that shown on the applicable bill of lading or other transportation document and when all packages are marked for the consignee, the overages shall be accepted. The consignee shall attempt to reconcile overages and astray freight with corresponding shortages associated with other shipments received at that activity.

(b) If excess freight on one bill of lading is identical with a reported shortage on another bill of lading, the excess or overage shall be used to offset the reported shortage. If excess freight cannot be identified or used to offset other shortages within 7 calendar days after the date of discovery, the consignee shall use SF 361 to request disposition instructions from the consignor or shipper and shall convey these instructions to the delivering carrier.

101-40.705(c)

(c) If a carrier attempts to deliver a shipment containing packages which are marked for another consignee or which cannot otherwise be identified, the misdirected or astray packages shall not be accepted.

§ 101-40.706 [Reserved]

§ 101-40.707 Determining liability for discrepancies.

§ 101-40.707-1 Transportation for account of the supplier.

When the transportation is performed by the carrier for the supplier rather than for the Government (e.g., when the property is purchased f.o.b. destination), determination of liability for discrepancies in shipment will be resolved between the carrier and the supplier. However, in such instances the Government receiving activity shall make accurate notations of discrepancies on the carrier's delivery receipt or freight bill, and shall use SF 361 to furnish a report of the discrepancies to the supplier, or to the agency contracting officer as individual agency regulations may provide, to assist the supplier in resolving the discrepancies. The report shall include supporting documents; i.e., a copy of the annotated delivery receipt, photos, inspection report, or written waiver.

§ 101-40.707-2 Transportation for account of the Government.

Determination of liability for discrepancies shall be the responsibility of the Government agency paying the transportation charges (a) in all instances where a shipment is made, on a Government bill of lading, commercial bill of lading to be converted to a Government bill of lading, commercial bill of lading bearing a notation that charges will be borne by the U. S. Government, commercial bill of lading under commercial forms and procedures for small shipments (see § 101-41.304-2), or purchase order for local drayage, and (b) in other instances where the Government assumes the risk for loss and damage at origin; e.g., when property is purchased f.o.b. origin, freight prepaid. While no precise formula can be prescribed for agencies to follow in determining whether liability for loss and damage rests with the carrier, the shipper, or a third party, an analysis shall be made of all the pertinent factors and circumstances involved, including, when appropriate, consideration of the following:

- (1) Type and adequacy of the packing and packaging.
- (2) Adequacy of marking, including precautionary markings for fragile or dangerous cargo.
- (3) Condition of the package, including any indications of rough handling or pilferage.
- (4) In case of load lots:
 - (i) Condition of the vehicle, whether dirty, contaminated, unsafe, structurally defective, appropriate type, etc.;
 - (ii) Identification and condition of seals on conveyances and by whom applied;
 - (iii) Manner of loading, stowing, blocking, and bracing; and
 - (iv) Determination as to whether loading was performed by shipper or carrier.
- (5) Tally records and how compiled.
- (6) Photographic evidence.
- (7) Expert or professional appraisals.

§ 101-40.708 [Reserved]

§ 101-40.709 Time limitations for filing claims

Government agencies shall take prompt action to recover amounts due the United States as a result of discrepancies in delivery, in accordance with time limitations established by the bill of lading or other contracts of carriage, or by statute. The following are examples of such time limitations:

(a) *Domestic shipments.* (1) Claims for loss or damage to shipments transported by carriers subject to the Revised Interstate Commerce Act (49 U. S. C. 10101, et seq., Pub. L. 95-473, October 17, 1978, as amended) shall be filed within the specified limits required by law, the terms of the bill of lading or other contract of carriage, and all tariff provisions applicable there to. Pursuant to 49 U. S. C. 11707(e), bills of lading normally issued by rail and motor carriers specify that written claim be made upon the carrier within 9 months after delivery of property damaged or within 9 months following the time when delivery of property should have been made, and that suit shall be instituted within 2 years from the date the carrier or its agent notifies the claimant in writing that the specified claim is disallowed in whole or in part. Neither

limitation is applicable to shipments made on Government bills of lading, or commercial bills of lading to be converted to Government bills of lading, or commercial bills of lading subject to the terms of the Government bill of lading. (See § 101-41.302-3(g) for exemption authority.)

(2) Claims for loss or damage to shipments moving by domestic air carriers shall be filed within the limits prescribed on individual carrier's air waybills.

(b) *Ocean shipments.* The Carriage of Goods by Sea Act (46 U. S. C. 1303(6), as amended) imposes a 1-year limitation for bringing court action against ocean carriers for loss or damage.

(c) *International air shipments.* Complaints of loss or damage shall be submitted in writing to the international air carrier within the following time limits set by Article 26 of the Warsaw Convention (49 Stat. 3020, as amended):

(1) Claims for visible damage to goods must be filed as soon as possible following discovery of the damage but within 14 days from receipt of the goods;

(2) Claims for other damage to goods must be filed within 14 days from the receipt of goods;

(3) Claims for nondelivery of goods must be filed within 120 days from the date of the issue of the air waybill; and

(4) A 2-year limitation is imposed by Article 29 of the Warsaw Convention (49 Stat. 3021) for bringing court action against the carrier for loss or damage to international air shipments.

(d) *International air shipments.* A 2-year limitation is imposed by Article 29 of the Warsaw Convention (49 Stat. 3000) for bringing court actions against air carriers for loss or damage to international air shipments.

§ 101-40.710 Processing claims against carriers.

(a) When the transportation is for the account of the Government (see § 101-40.707-2) and when it is determined that the carrier is responsible for loss or damage to a shipment (other than household goods), a claim shall be prepared on Standard Form 362, U. S. Government Freight Loss/Damage Claim, and forwarded in duplicate to the appropriate carrier with the necessary supporting documents; e.g., delivery receipts, photographs, inspection reports, except as otherwise provided in § 101-40.711. (See 49 CFR Parts 1005 and 1056 for additional regulations concerning processing of claims against carriers subject to the Revised Interstate Commerce Act.) Standard Form 362 (see § 101-40.4901) is approved by the Office of Management and Budget under OMB control number 3090-0113.

(b) Claims for loss and damage to household goods shipments moving on a GBL shall be prepared on claim forms furnished by the carriers.

(c) The appropriate carrier against which the claim shall be filed is---

(1) Usually the destination line-haul carrier (not the drayage company or switching carrier performing the delivery service for the destination line-haul carrier) in instances of domestic freight shipments made on Standard Form 1103 or a commercial bill of lading converted to a Government bill of lading or subject to the terms and conditions of the Government bill of lading;

(2) The household goods carrier specified on Standard Form 1203; or

(3) Usually the origin carrier on ocean or international air shipments.

When it is conclusively known on which carrier's line the loss or damage occurred, the claim may be filed against that carrier. When no part of the shipment has been delivered, the claim would normally be filed against the carrier which accepted the shipment.

§ 101-40.711 Collection of claims

§ 101-40.711-1 Claims against domestic carriers.

Formal claims (Standard Form 362 with supporting documents) shall be filed with domestic carriers within the time limits noted in § 101-40.709.

(a) Rail carriers, motor carriers, inland water carriers, domestic forwarders, and other carriers subject to the Interstate Commerce Act (ICA), are required under 49 CFR Subpart 1005.3 to acknowledge receipt of a formal claim in writing to the claimant within 30 days after receipt. In addition, 49 CFR Subpart 1005.5 requires carriers which receive a written claim for loss or damage to property transported to pay, decline, or make a firm compromise settlement in writing to the claimant within 120 days after receipt of the claim by the carriers. If the claim cannot be processed or disposed of within the initial 120 days, the carriers at that time and at the end of each succeeding 60-day period, while

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the claim remains pending, shall advise the claimant in writing of the status of the claim and the reason for the delay in making final disposition thereof.

(b) When any carrier fails to dispose of a loss or damage claim within a reasonable period of time, agencies shall collect the claim by setoff action; i.e., withholding payments from amounts otherwise due and payable to the carrier for transportation and related services. Earlier collection by setoff may be made if it is known that a carrier is involved in a bankruptcy, insolvency, or relocation proceeding, and it is clearly in the Government's interest to do so (4 CFR Parts 102 through 105).

§ 101-40.711-2 Claims against ocean and international air carriers.

Regulations of the General Accounting Office (Chapter 13, § 86.1, GAO Policy and Procedures Manual for Guidance of Federal Agencies) require that:

(a) When a loss or damage for which the carrier is administratively determined to be liable has occurred in an ocean or international air shipment, effort should be made to withhold an amount sufficient to reimburse the Government for the loss or damage from the carrier's bill covering the charges for the transportation or related services on the same shipment. If this is not possible, the withholding should be made from a payment due the carrier on an unrelated account. Notice to the carrier of withholding should request the carrier's consent to such action.

(b) If the carrier does not consent to the withholding action prescribed in (a), above, or if the claim is not otherwise compromised or withdrawn in accordance with 4 CFR Part 103 or 104, referral of the matter shall be made to the Department of Justice for consideration of the need for suit to reduce the Government's claim to judgment. The referral shall be made at least 90 calendar days prior to the expiration of the 1-year period for bringing suit against ocean carriers (46 U. S. C. 1303(6)) or the 2-year period for bringing suit against international air carriers (Article 29 of the Warsaw Convention; 49 Stat. 3021).

§ 101-40.712 Referral of loss and damage claims to the General Accounting Office or to the Department of Justice.

Loss and damage claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 102 through 104 shall be determined uncollectible and reported to the General Accounting Office or the Department of Justice for appropriate action under criteria established by GAO under 4 CFR Part 105.

§ 101-40.713 Clearing carriers of liability.

When it is determined as the result of investigation or evidence submitted by a carrier that loss or damage to a Government shipment is not the responsibility of the carrier, the consignee shall take necessary steps to clear the carrier of liability and to withdraw or amend any claim which may have been filed for recovery of losses. In this regard, the consignee shall prepare a document which will effectively remove or amend any exception that had been noted on the carrier's delivery documents. While no precise form or format is prescribed, this document shall be prepared in sufficient detail to identify the shipment and to show the basis for relieving the carrier of liability. This includes (a) a reference to the Government bill of lading number or other transportation document; (b) a detailed description of the property shipped; (c) a reference to the exception taken to the quantity or condition of the property delivered; (d) the number and date of any claim which has been filed with the carrier; and (e) the basis on which the exception or claim is being withdrawn. The consignee shall forward the original of this document to the carrier against whom the claim has been filed (or, in case the claim has not yet been filed, to the carrier that is billing for transportation charges or related services), and a copy shall be attached to the blue memorandum copy (Memorandum Copy-Consignee) of the bill of lading. In addition, the consignee shall send copies of the document to other offices involved in the initial claim action. (See the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (Subpart 101-26.8), for reports required in connection with shipments from GSA or DOD.)

Subparts 101-40.8---101-40.48

[Reserved]

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-9, JUNE 1967)

4021

Subpart 101-40.49-Forms

§ 101-40.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with the subject matter covered in Part 101-40. These forms are designed to provide uniform methods of requesting and transmitting transportation advice and assistance, uniform documentation of transactions between Government agencies, the Government and the transportation industry, and related industries.

§ 101-40.4901 Standard forms; availability.

Standard forms referenced in this part, unless otherwise provided in the section prescribing the form, may be obtained by submitting a requisition in FEDSTRIP format to the GSA regional office providing support to the requesting agency.

101-40.4901-361-1 Guidelines for preparation of Standard Form 361, Transportation Discrepancy Report (Rev. 3-84).

See § 101-40.4901 for information on obtaining Standard Form 361.

Section A

General

a. The March 1984 edition of Standard Form 361, Transportation Discrepancy Report, requires the use of codes for certain information. A stub attached to the top of the form provides instructions concerning where to locate these codes for civilian agencies and the Department of Defense (DOD). The codes furnished in this section are uniform for civilian agency use in preparing the Transportation Discrepancy Report (TDR).

b. The TDR is a two part form. Part I covers blocks 1 through 33, and part II covers blocks 34 through 47. Part I is used to request information from the shipper, give notification to the carrier concerning any discrepancy in the shipment, or report any miscellaneous problem which interferes in the timely and proper movement of freight. The proper block indicating the type of discrepancy being reported should be checked. After part I has been completed and all supporting documentation for claim has been assembled, part II will be used to support formal claims filed with the carrier/supplier. The information as contained in Part II will not be disclosed to the carrier/supplier. Blocks 46 and 47 are primarily for use by DOD.

Block Details. The following are detailed instructions for completing the TDR. Block Number, Title, and Data Entry

1. *DATE.* Current Julian date on which report is prepared: e.g., January 30, 1984, would be entered as 4030.

2. *REPORT NUMBER.* Activity address code (AAC), if assigned, of the reporting activity and a 4-digit number (0001-9999) for each TDR issued within the calendar year.

3. *TO.* Name and address (including ZIP Code) of the office or carrier to which the TDR is to be mailed.

4. *REPORTING ACTIVITY* Name and address (including ZIP Code) of the reporting activity.

5. *CONSIGNOR.* Name, address, activity address code (if assigned), and ZIP Code of the activity making or directing the shipment.

6. *CONSIGNEE.* Name, address, activity address code (if assigned), and ZIP Code of the activity scheduled to receive the shipment.

7. *SHIPPER.* Name, address, activity address code (if assigned), and ZIP Code of the activity physically making shipment for the account of the consignor. Where the shipper is the consignor, enter "Same as block 5."

8. *CARRIER ROUTING AND IDENTIFICATION.* Enter Standard Carrier Alpha Code(s) (SCAC) from the transportation document in the proper sequence in the shaded blocks. Enter name of carrier(s), identification number of car, truck, trailer, or the name of the vessel. For containers, show the trailer/container number.

9. *POINT OF ORIGIN.* Leave blank unless different than block 5.

10. *CARRIER'S PRO/FREIGHT BILL NO.* Copy the number from the carrier's delivery receipt.

11. *DESTINATION.* Leave blank unless different than block 6.

12. *BILL OF LADING NO./TYPE.* Enter the number and indicate the type. i.e., GBL (Government bill of lading) or CBL (commercial bill of lading).

13. *MODE CODE.* Choose correct code from section B.

14. *DATE CARRIER SIGNED FOR SHIPMENT.* Julian date that the carrier signed for shipment.

15. *DATE CONSIGNEE RECEIVED SHIPMENT.* Julian date of receipt of shipment. If the shipment is "all short," leave blank.

16. *DATE DISCREPANCY DISCOVERED.* Enter the Julian date of discovery.

17. *DATE CARRIER NOTIFIED.* Julian date on which the commercial carrier was first notified and the manner notified: e.g., "4133, telephone."

18. *NAME OF PERSON CONTACTED.* Enter the name and telephone number of the person contacted at the carrier.

19. *SEAL NUMBERS AND CONDITION.* Place an "X" in the proper block to show seal

numbers and condition. Include an explanation when there is a variance between the seal number(s) shown on the transportation document and the seal(s) as affixed to the carrier's vehicle.

20. *ACQUISITION DOCUMENT AND/OR TRANSPORTATION CONTROL NO.* Applicable acquisition document number; e.g., requisition or purchase request and/or transportation control number.

21. *COMMODITY DESCRIPTION AND/ OR NATIONAL STOCK NO. (NSN).* Noun description of commodity, and NSN or part number.

22. *TYPE OF PACK.* Choose the correct code from section C.

23. *QUANTITY DISCREPANT (PIECES).* Actual number of pieces of discrepant freight as evidenced by the applicable bill of lading or governing transportation document.

24. *TYPE AND CAUSE CODE.* Show the correct code from section D which will most clearly identify the type and cause of the discrepancy.

25. *UNIT OF ISSUE.* Show the 2-position alpha abbreviation of the type of unit under which the material was issued. See the shipping docket/packing list.

26. *UNITS BILLED/SHIPPED.* Show the actual number of units of issue billed (invoiced) or shipped as evidenced by the applicable shipping document/packing list.

27. *DISCREPANT UNITS* Actual number of issue units discrepant.

28. *DISCREPANT WEIGHT.* Show the total weight for the discrepant pieces in block 23.

29. *VALUE OR COST OF REPAIRS* Actual value of loss sustained or cost of repairs, including transportation to and from the repair shop, cost of estimates, etc. For nonrepairable damage, use the replacement cost. Enter value of material when reporting over or astray freight.

33. *REMARKS.* Use this block to request information needed in the investigation of the discrepancy, to notify the carrier of a discrepancy in the shipment, or to report miscellaneous problems for correction by the shipper. Include photographs (if available) or any document the shipper or carrier may not have that will aid in a reply. For miscellaneous problems not involving claim, provide detailed information and indicate responsibility. When the discrepancy involves classified/protected/hazardous material, provide additional details such as security classification, nature of hazardous material violation, etc.

31. A. *NAME OF PREPARER.* Self-explanatory.

B. *TITLE.* Self-explanatory.

C. *TELEPHONE NO.* Show both the commercial and Federal Telephone System (FTS) telephone number of the persons signing the form.

D. *SIGNATURE.* Self-explanatory.

32. *REPLY.* Use this block to reply to any questions asked in block 30 or to furnish any information to aid in the investigation of the discrepancy.

33. A. *NAME OF RESPONDENT.* Self-explanatory.

B. *TELEPHONE NO.* Show both the commercial and FTS telephone number of the person signing in block 33D.

C. *ADDRESS.* Show official address.

D. *SIGNATURE.* Self-explanatory.

E. *DATE.* Julian date of reply.

34. *THIS IS A SURVEY DOCUMENT.* Place an "X" in the proper block.

35. *DATE.* Julian date on which part II is completed.

36. *TO.* Name and address (include ZIP Code) of the office to which the TDR claim package is to be mailed.

37. *RESPONSIBILITY.* The transportation officer or appropriate receiving personnel would normally make this determination based on findings and factual evidence available, checking the appropriate block. When there is insufficient evidence to make such a determination, check "Other" and enter "Unknown."

38. *EXCEPTION NOTED ON CARRIER'S DELIVERY RECEIPT.* Place an "X" in the proper block.

39. *DOCUMENT ATTACHED?* Place an "X" in the proper block, and list the documents in block 43.

40. *PHOTOGRAPH ATTACHED?* Place an "X" in the proper block.

41. *INSPECTION DATA.* Place an "X" in the proper block. Attach required report or waiver, or provide oral waiver information in block 43.

42. *DISPOSITION DATA.* Place an "X" in the proper block. Attach the required documents or provide other explanation in block 43.

43. *REMARKS.* Provide detailed information or any other data which will aid the claims office in filing claim. Information or data shall deal with facts and shall not reflect personal opinions unless substantiated by documentation; e.g., affidavits or certified statements. List the documents attached to support the claim.

44. *DISTRIBUTION OF COPIES* Name and address (including ZIP Code) of office to receive a copy.

45. A. *NAME OF PREPARER.* Self-explanatory.

B. *TITLE.* Self-explanatory.

C. *TELEPHONE NO.* Show both the commercial and FTS telephone numbers of the person signing in block 45D.

D. *SIGNATURE.* Self-explanatory.

46. *ACTION BY REVIEWING OFFICIALS.* Sections, A, B, C, and D under this block are

SUBPART 101-40.49 FORMS

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for use in connection with inventory and financial adjustments of accounts in accordance with individual service/agency regulations. Sections E and F will be completed by an official authorized to approve the report for use as a survey document and/or inventory and financial adjustment of accounts or when individual agency or service regulations require approval by an official other than the individual shown in block 45.

47. ACTION BY CLAIMS OFFICE. For use by claims office, as required (primarily for DOD).

Section B

Code	Mode Code (Block 13)
A	Motor, truckload.
B	Motor, less than truckload.
C	Van (unpacked, uncrated, personal or Government property).
D	Driveway, truckaway, towaway.
E	Bus.
F	Military Airlift Command (MAC).
G	Parcel post, surface.
H	Parcel post, air.
I	Government trucks, for shipment outside local delivery area.
J	Small package carrier.
K	Rail, carload*.
L	Rail, less than carload*.
M	Freight Forwarder.
N	LOGAIR (commercial air charter service--Air Force controlled).
O	organic military air.
P	Through Government bill of lading (TGBL).
Q	Air freight, air express, air charter (commercial).
R	Expedited air freight.
S	Scheduled truck service (applies to contract carriage, guaranteed traffic routings and/or scheduled service).
T	Air freight forwarder.
U	Quicktrans (commercial air charter service--Navy controlled).
V	SEAVAN.
W	Water, river, lake, coastal (commercial).
X	Bearer, walk-thru (customer pickup of material).
Y	Intratheater airlift service.
Z	MSC (Military Sealift Command-controlled contract or arranged space).
2	Government watercraft, barge, lighter.
3	RORO (roll-on, roll-off) service.
4	ARFCOS (Armed Forces Courier Service).
5	United Parcel Service.
6	Military official mail (MOM).
7	Express mail,
8	Pipeline.
9	Local delivery by Government or commercial truck including deliveries between air or water terminals and adjacent activities. Within CONUS, the local delivery area is defined in tariffs governing local application of carrier service as filed with regulatory authorities.

*Includes trailer/container-on-flat-car (excluding SEAVAN).

Section C

Code	Type of Pack Code (Block 22)
BD	Bundle.
BE	Bale.
Code	Type of Pack Code (Block 22)
BG	Bag, burlap or cloth
BL	Barrel.
BS	Basket.
BX	Box.
CA	Cabinet.
CB	Carboy.
CC	Household goods containers, wood, type 11 (Fed. Spec. PPP-B-580).
CL	Coil.
CN	Can.
CO	Container, other than CU, CW, or X.
CR	Crate.
CS	Case.
CT	Carton.
CU	Container, Navy cargo, transporter.
CW	Container, commercial highway lift (PTTC).
CV	Cylinder.
DB	Dufflebag

DR	Drum.
EC	Engine container.
ED	Engine cradle or dolly.
FK	Footlocker.
HA	Hamper.
KE	Keg.
LS	Loose, not packaged.
MW	Multiwall container (formerly referred to as triple wall or tri-wall secured or attached to a warehouse pallet).
MX	Mixed (more than one type of shipping container).
PC	Piece.
PL	Pail.
PT	Palletized unit toad (other than code MW).
RL	Reel,
RO	Roll.
RT	Roll-on/roll-off trailer.
SA	Sack, paper.
SB	Skid box.
SD	Skid.
SH	Sheet.
SL	Spool.
SW	Suitcase.
TB	Tub.
TK	Trunk.
TU	Tube.
UX	Unitized (unitized cargo on roll-on/roll-off vehicles is considered roll-on/roll-off).
VC	Van chassis.
VE	Vehicle.
VO	Vehicle in operating condition.
VS	SEAVAN-TOTE.
WR	Wrapped.
X	Container, CONEX (second position, based on CONEX serial number, will be assigned as follows):

---	0.	00001 to 99999
---	1.	100000 to 199999
---	2.	200000 to 299999
---	3.	300000 to 399999
---	4.	400000 to 499999
---	5.	500000 to 599999
---	6.	600000 to 699999
---	7.	700000 to 799999
---	8.	800000 to 899999
---	9.	900000 to 999999
A----		MSCVAN (MSC leased/controlled SEAVAN or MILVAN).
Y----		MILVAN.
Z----		SEAVAN.

(Second position identifies the loading data and loaded capacity as follows):

---	A	Loaded to capacity by ocean carrier.
---	B	Loaded to capacity by military terminal.
---	C	Loaded to capacity by military shipping activity.
---	D	Loaded to capacity by vendor/commercial supplier.
---	E	Loaded to capacity by contract shipment consolidation facility.

Code	Type of Pack Code (Block 22)
---F	Loaded to less than capacity by military shipping activity, loading completed by contract shipment consolidation facility.
---3	Loaded to less than capacity by military shipping activity.
---4	Loaded to less than capacity by vendor/commercial supplier.
---5	Loaded to less than capacity by contract shipment consolidation facility.
---L	Loaded to less than capacity by military shipping activity, loading completed by military terminal.
---M	Loaded to less than capacity by vendor/commercial supplier, loading completed by military terminal.
---N	Loaded to less than capacity by contract shipment consolidation facility, loading completed by military terminal.
---T	Loaded to less than capacity by military shipping activity, loading completed by ocean
---U	Loaded to less than capacity by vendor/commercial supplier, loading completed by
---V	Loaded to less than capacity by contract shipment consolidation facility, loading completed by ocean carrier.
---W	Loaded to less than capacity by vendor/commercial supplier, loading completed by contract shipment consolidation facility.
---Z	Empty MILVAN or SEAVAN.

Section D

Code	Type and Cause Code (Block 24)
	ASTRAY
A3	Incomplete marking or missing label or tag.
A4	Defaced or illegible marking
AA	Unknown.
	OVERAGE
05	Improper documentation.
03	Incomplete marking or missing label or tag.
04	Defaced or illegible marking
OK	Improper loading or slowing.
00	Unknown
	SHORTAGE
SL	Leakage, spoilage, or evaporation
S5	Improper documentation.
ST	Theft.
SP	Pilferage.
SI	Status "W" cargo (MTMC terminal use only).
SK	Improper loading or slowing.
SS	Unknown.
	DAMAGE
DF	Fire.
DK	Improper loading, slowing, lashing, blocking, and bracing.
D6	Materials handling equipment.
D1	Marine Casualty.
DG	Spoilage.
DQ	Rough handling
D2	Stevedoring.
DE	Water damage
DW	Wreck.
DV	Vandalism.
DZ	Concealed damage.
DD	Unknown.

OTHER

XB Broken, missing, improper, or inadequate seals.
XC Special contract or carrier services not provided on unclassified or nonprotected cargo.
XH Excess transit time.
X3 Incomplete marking or missing label or tag.
X4 Defaced or illegible marking.
XJ Improper carrier handling, service, or equipment.
XK Improper loading, slowing, lashing, blocking, or bracing (if no actual damage).
XL Certification of hazardous material (DD Form 1367-2) missing or incorrect.
XM Improper marking or labeling of dangerous or hazardous material
XN Misconsignment.
XR Government transportation regulations, carrier tariff or tender agreements, not observed on classified or protected material.
XS Signature Security Service violations.
XX Not specified above (described in remarks).

§ 101-40.4902 GSA forms; availability.

(a) GSA forms referenced in this part are for optional use by executive agencies; however, their use is recommended in the interest of efficiency and economy in Government operations.

(b) Except for GSA Form 3080 (Household Goods Carrier Evaluation Report), GSA forms may be obtained initially from General Services Administration, National Forms and Publications Center, Warehouse 4, Dock No. 1, 4900 South Hemphill Street, Fort Worth, Texas 76115. Agency field or regional offices should submit future requirements to their Washington, DC headquarters office which will forward consolidated annual requirements to the GSA National Forms and Publications Center.

(c) GSA Form 3080 is only available through GSA regional offices as provided in § 101-40.205.

§ 101-40.4903 Optional forms; availability.

(a) Optional Form 280 (Rev. 3-80), Uniform Tender of Rates and/or Charges for Transportation Charges, is designed to expedite the handling of rate tenders.

(b) Courtesy copies of Optional Form 280 may be obtained from the General Services Administration, Federal Supply Service, Office of Policy and Agency Liaison, Regulations and Policy Division (FFY), Washington, DC 20406. Carriers may duplicate this form or have it printed commercially.

§ § 101-40.4904--101-40.4905 [Reserved]

§ 101-40.4906 Illustrations.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-81, MAY 1987)

SUBPART 101-40.49 FORMS

§ 101-40.4906-1 GSA Form 420, Freight Rate and Route Request/Response

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PART 101-40 TRANSPORTATION AND TRAFFIC MANAGEMENT

(b) Page 2 of GSA Form 420

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

SUBPART 101-40.49 FORMS

§ 101-40.4906-2 Optional Form 280, Uniform Tender of Rates and/or Charges for Transportation Services

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(AMENDMENT G-79, JUNE 1986)

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(b) Page 2 of Optional Form 280

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

SUBPART 101-40.49 FORMS

§ 101-40.4906-2 Optional Form 280, Preparation Instructions

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

PART 101-40 TRANSPORTATION AND TRAFFIC MANAGEMENT

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FEDERAL PROPERTY MANAGEMENT REGULATIONS

(b) Page 2 of Optional Form 280, Preparation Instructions

(AMENDMENT G-79, JUNE 1986)

SUBPART 101-40.49 FORMS

§ 101-40.4906-3 Standard Form 361, Transportation Discrepancy Report

(for guidelines for preparing SF-361, see § 101-40.4901-361-1.)

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(AMENDMENT G-79, JUNE 1986)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

SUBPART 101-40.49 FORMS, FORMATS, AND AGREEMENTS

101-40.4906-5

§ 101-40.4906-5 Standard Form 362, U. S. Government Freight Loss / Damage Claim.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-40, APRIL 1977)

PART 101-40 TRANSPORTATION AND TRAFFIC MANAGEMENT

101-40.4906-5

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-40, APRIL 1977)

SUBPART 101-40.49 FORMS

§ 101-40.4906-8 GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System vs GBL Method)

(Next page is 4071)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-79, JUNE 1986)

SUBPART 101-40.49 FORMS

§ 101-40.4906.9 GSA Form 3080, Household Goods Shipment Report

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-81, MAY 1987)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-81, MAY 1987)

§ 101-41.000 Scope of part.

This part sets forth policies and procedures governing the documentation and audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States; provides for uniformity in the procurement of and payment for such services; and furnishes information and guidance to agencies, to common and contract carriers and forwarders as defined in § 101-41.002, and to all others concerned. It continues those regulations and other information formerly in Title 4 CFR Subchapter D--Transportation, as amended, pertinent to the transportation audit function for which relocation has been authorized by Pub. L. 93-604, 88 Stat. 1959, approved January 2, 1975.

§ 101-41.001 Applicability of part.

The provisions of this part are applicable to all agencies whose payments for transportation services are subject to audit as provided by section 322 of the Transportation Act of 1940, as amended (31 U. S. C. 3726).

§ 101-41.002 Definitions.

(a) "Agency," as used in this Part 101-41, means any department, agency, or establishment of the United States Government whose payments for transportation services are subject to the transportation audit provisions of section 322 of the Transportation Act of 1940, as amended (31 U. S. C. 3726).

(b) "Carrier" means any carrier or forwarder, or duly authorized agent of either, subject to the provisions of section 322 of the Transportation Act of 1940, as amended (31 U. S. C. 3726), offering to provide transportation services for the account of the United States.

(c) "Electronic data interchange" (EDI) means the electronic exchange of transportation information by means of electronic transmission of the information in lieu of the creation of a paper document.

(d) "Signature," in the case of an EDI transmission, means a discreet authenticating code intended to bind parties to the terms and conditions of a contract.

§ 101-41.003 Exceptions to regulations.

Exceptions to the regulations in this Part 101-41 shall be granted only by the Administrator of General Services or his designee. Requests for exceptions shall be made in writing to the General Services Administration (FW), Washington, DC 20405. A copy of the authorizing statement for each deviation, including the nature of the deviation, the reasons for such special action, and the Administrator's approval, will be made available for public inspection in accordance with Subpart 105-60.3 of this title.

§ 101-41.004 Agency implementation.

(a) Agencies shall issue new or revise existing regulations and procedures to conform to the provisions of this Part 101-41 and shall forward two copies of such new or revised regulations and procedures to the General Services Administration (FWCP), Washington, DC 20405.

(b) Government Corporations may adopt all or part of the provisions of this Part 101-41 only if advance notice of the extent of adoption and of the effective date of adoption is sent to the address shown in paragraph (a) of this section.

§ 101-41.005 Forms.

Certain GSA and Standard forms required by the procedures governing the documentation and audit of payments for transportation services furnished for the account of the United States are illustrated in Subpart 101-41.49.

101-41.006

§ 101-41.006 Electronic data interchange (EDI) records.

(a) For the purposes of EDI only, a paper or microform record need not be created to satisfy the requirements of this part if the record is initially prepared in a coordinate electronic exchange medium. Each record kept in such a coordinated medium shall be accompanied by a statement clearly indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated. This statement shall be executed by the person duplicating the records. The records shall be indexed and retained in such a manner that they are easily accessible and the carrier or the agency shall have the facilities available to locate, identify, and reproduce the records in readable form without loss of clarity.

(b) The transmission of records between the agency, the carrier, and the General Services Administration may be in an electronic media.

§ 101-41.007 EDI policy

When mutually agreeable to the procuring agency and the participating carrier, authorization is granted to use EDI for the procurement of transportation services, provided that there are sufficient procedures to safeguard the integrity of the billing and payment process. An authenticating signature will be used in each transaction as the equivalent of a signature to certify receipt, delivery of goods, and that the bill accurately reflects the services provided and that the carrier charged the lowest charges available for the service. Each carrier must also provide a sec. 10721 quotation or present a unilateral ordering agreement to GSA or other agency of the Government that is establishing an EDI program, binding the carrier to all the requirements of Part 101-41 with the exception of the forms being used. EDI standards are prescribed in § 101-41.104.

SUBPART 101-41.1--General

§ 101-41.100 Scope of subpart.

This subpart provides guidance concerning the audit of transportation payments. The provisions shall be enforced and implemented by each head of an agency who has been delegated authority by the Administrator of General Services to perform, as his designee, the audit for which the General Services Administration has responsibility under 31 U. S. C. 3726, as amended, consistent with the delegation.

§ 101-41.101 Examination of payments, settlement of claims, and review of requirements.

Section 322 of the Transportation Act of 1940, as amended (31 U. S. C. 3726), permits transportation bills to be paid prior to audit by the Administrator of General Services or his/her designee in accordance with regulations that the Administrator shall prescribe.

(a) The authority vested in the Administrator of General Services by 31 U. S. C. 3726, as amended, enables the Administrator, or his/her designee, to

- (1) Audit selected transportation bills prior to payment;
- (2) Examine, settle, and adjust accounts involving payment for transportation and related services for the account of the United States;
- (3) Adjudicate and settle transportation claims by and against the United States;
- (4) Deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder; and
- (5) Delegate any authority conferred on the Administrator to another agency or agencies if the Administrator determines that such a delegation would be cost-effective, accurate, timely, or otherwise in the public interest.

(b) The Administrator of General Services, or his/her designee, will exercise such authority subject to:

- (1) The direction of the President;
- (2) Fiscal and policy control of the Office of Management and Budget; and
- (3) Decisions of the Comptroller General of the United States resulting from Federal agency or common and contract carrier appeals involving disputed claims by and against the United States or issued under the authority vested in the Comptroller General by the Budget and Accounting Act of 1921, as amended (31 U. S. C. 702), and the Accounting and Auditing Act of 1950, as amended (31 U. S. C. 3511).

(next page is 4102.i)

§ 101-41.102 GSA responsibilities and functions.

(a) With respect to the audit of transportation payments and under the statutory authority therefor, the Administrator of General Services or his/her designee is responsible for and will accomplish the functions set forth in paragraphs (a) (1) through (a) (9) of this section.

(1) Examine and analyze payments for freight and passenger transportation services furnished for the account of the United States to determine their validity, propriety, and conformity with tariffs, quotations, agreements, or tenders and make adjustments to protect the interests of the United States;

(2) Examine, adjudicate, and settle transportation claims by and against the United States;

(3) Collect from carriers by refund, setoff, or other means, amounts determined to be due the United States;

(4) Compromise, terminate, or suspend debts due on transportation overcharges;

(5) Prepare reports to the Attorney General of the United States setting forth recommendations regarding the legal and technical bases available for use in prosecuting or defending suits by or against the United States and provide technical, fiscal, and factual data from records relative thereto;

(6) Provide transportation specialists and lawyers to serve as expert witnesses, to assist in pretrial conferences, to draft pleadings, orders, and briefs, and to participate as requested in connection with transportation suits by or against the United States;

(7) Review agency policies, programs, and procedures to determine their adequacy and effectiveness insofar as they relate to the audit of freight and passenger transportation payments, and review related fiscal and transportation practices;

(8) Furnish information on rates, fares, routes, and related technical data to agencies upon request; and

(9) Inform agencies of irregular shipping and routing practices, inadequate commodity descriptions, excessive transportation cost authorizations, and unsound principles employed in traffic and transportation management.

(b) In carrying out the foregoing functions, a designee head of an agency, acting in substance as GSA's audit surrogate, shall forward direct to the General Accounting Office (GAO) matters for consideration by the Comptroller General of the United States or by a division of GAO or shall forward direct to the Department of Justice matters for its consideration of collection action, litigation, and related proceedings, as prescribed in 4 CFR Part 105. A claimant who disagrees with the settlement of his claim by GSA's audit surrogate may request reconsideration by the agency head or review by the Comptroller General of the United States in accordance with the guidelines set forth in Subpart 101-41.7. These matters need not be forwarded through GSA.

(c) GSA also makes technical examinations of payments to and claims by or against carriers for transportation services procured on commercial or Government documentation by certain Government agencies and corporations exempted from submitting transportation payment documents for centralized audit.

(d) GSA, independently or in cooperation with other agencies, will confer with individual carriers or carrier groups and associations representing specific modes of transportation to resolve mutual problems concerning technical and accounting matters and to acquaint them with the requirements of the Federal Government.

(e) Carrier accounting and traffic officials are welcome to visit the GSA transportation audit facilities to discuss transportation audit matters. These facilities are located in the GS Building, 18th and F Sts., N. W., Washington, DC. The mailing address is General Services Administration (FW), Washington, DC 20405. Notice of an intended visit and, when necessary, an outline or a list of subjects for discussion should be furnished in advance so that necessary internal arrangements can be made and the required records assembled.

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41. 104

§ 101-41.104 Procedures and standards for utilizing EDI.

(a) The medium, timing, and precise format of transmissions of data must be approved in advance by GSA's Office of Transportation Audits (FW), Washington, DC 20405. The Office of Transportation Audits will exercise oversight of individual agency EDI programs through periodic management reviews. Authority to utilize EDI as an alternative to hard copy Standard forms will be suspended by the Director, Office of Transportation Audits, if individual EDI programs fail to meet the transportation documentation and accounting needs of the Government, EDI standards for freight transportation services include but are not limited to Transportation Data Coordinating Committee Transaction Sets (104 and 110 (air), 204 and 210 (motor), 304 and 310 (ocean), 404 and 410 (rail)), and/or ANSI Transaction Sets.

(b) The data required for transmission is that data which GSA must have to carry out its responsibilities including data specified in Part 101-41.

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FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-90, MARCH 1989)

§ 101-41.103 Procedures, conditions, and limitations relevant to the delegation of authority to perform prepayment audits of selected transportation bills.

(a) Except for the authority exercised by GSA in § 101-41.103(i), requests for a delegation of authority from the Administrator of General Services to conduct prepayment audits shall be accompanied by a specific and complete description of the organization to perform the audit and the manner whereby the audit will be conducted. Such requests shall demonstrate cost-effectiveness or other public benefits.

(b) Prepayment audits by GSA's Office of Transportation Audits on behalf of itself and/or other agencies, need not be approved by the Administrator because the authority to conduct prepayment audits is already provided by law.

(c) Each request shall include a detailed model of the audit process from receipt of carrier bills to disbursement and the subsequent submission of paid vouchers to GSA for postpayment audit.

(d) The requester shall demonstrate the capability not only to complete an accurate audit within 15 calendar days of receipt of a carrier's bill, but also evidence the ability to generate an accurate notice to the carrier which specifically describes the reason for any full or partial rejection of the carrier's charges, citing the rate authority applicable there to.

(e) The request shall contain a mechanism to report savings, on a semi-annual basis and in a manner acceptable to GSA, accomplished by identifying overcharges/overbillings, or other saving indicating the program is cost-effective or otherwise in the public interest.

(f) Public notice of delegated authorities will be effected by publication in the **Federal Register** notices section. Such notices will specify the Government department/agency whose bills are subject to such audit and the organization or command; i.e., the activity which will conduct such audits.

(g) Authority delegated in accordance with this section is subject to complete oversight by GSA. This oversight and a test of accuracy will be made through the postpayment audit process and through onsite inspection. To assist in this process, prepayment audit activities (and/or their contractors) are required to stamp each bill so audited with a certification substantially as follows: "I certify that this bill was audited and certified for payment in the amount of \$____." The stamp will also indicate both the name of the audit activity and the name of any contractor involved, and be initialed and dated by the auditor. Paid bills that were subject to prepayment audit must be forwarded to GSA, Attn: FWA (Code PA), under separate cover.

(h) Except as provided in § 101-41.604-2, when a prepayment audit results in a reduction to a properly presented invoice, interest penalties will be paid if required by the Prompt Payment Act. The designee must approve for payment the amount claimed by the carrier, reduced only by the amount disputed on prepayment audit, or otherwise allowed to be withheld by law or regulation.

(i) *Unpaid bills.* (1) Notwithstanding any other provision herein, GSA may request that agencies forward unpaid transportation bills approved for payment after prepayment audit by a designee agency (if any), in lieu of payment to the carrier/forwarder, in order to adequately protect the Government's right to setoff or where the best interests of the Government so require.

(2) These unpaid bills shall be audited only to the extent necessary to prevent excess billings and to adequately protect the Government's right to setoff for identified and projected overpayments, and for known debts owed to other agencies.

(3) Consistent with the purpose of paragraphs (i) (1) and (2) of this section, GSA may conduct a prepayment audit of carrier bills in the following circumstances:

(i) The carrier/forwarder is involved in a proceeding under the Bankruptcy Code as a debtor or possible debtor, or is subject to the control of a receiver, trustee, or other similar representative;

(ii) The carrier/forwarder consistently fails to refund overcharges without assertion of substantial defense or other

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valid reasons when notified by GSA or any other interested Government agency;

(iii) The carrier/forwarder, without good cause, fails to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(iv) The carrier/forwarder owes substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(v) The carrier/forwarder, as a person or business entity, was determined administratively for valid reasons to be ineligible for payment, unless after review of the facts and in the absence of objection by the U. S. General Accounting Office, it is determined administratively that the best interests of the United States will not be jeopardized by such payment;

(vi) The carrier/forwarder voluntarily withdraws or is otherwise involuntarily terminated from an agency-wide transportation program; or

(vii) Any other circumstances where a reasonable person, in the exercise of ordinary prudence, would conclude that the carrier/forwarder is in such financial condition that is ability to pay debts owed to the Government is questionable.

(4) Carriers/forwarders subject to prepayment audit by GSA for the reasons outlined in § 101-41.103(i)(3), may offer substitute arrangements to adequately protect the Government's right to setoff in consideration for the avoidance of prepayment audit and/or a release of funds deemed adequate by the Government to pursue its right of setoff.

(5) The exercise of actual setoff shall be conducted in accordance with the law.

(j) All forms used by the designee or its audit activity in performing the prepayment audit must be approved by GSA (attn: FWC) prior to usage, and no rules or procedures relative to the prepayment audit may be published by them without GSA approval.

(k) The designee and any audit activity under him/her is required to follow Comptroller General decisions and Federal Property Management Regulations, instructions, and precedents regarding substantive and procedural matters.

(l) The designee may utilize contractors to accomplish the prepayment audit, but contractors are subject to all of the requirements that apply to the designee and his/her audit activity.

(m) Except as provided for GSA in § 101-41.103(i), prepayment audit authority exercised under this paragraph will not be directed to a particular carrier but may be directed toward specific types or categories of bills or exercised in some other nondiscriminatory manner.

(n) GSA will exercise continuous oversight of the delegated prepayment audit authority. A delegation of authority to conduct a prepayment audit may be suspended in whole or in part by the Director, Office of Transportation Audits for failure to properly conduct prepayment audits. Such failures may include any of the following:

(1) Failure to conduct an accurate audit (not less than 85 percent accuracy).

(2) A pattern of failure to make timely payments, or failure to inform carriers within 15 days of defective invoices (Prompt Payment Act time limitations).

(3) Audit not cost-effective, i.e., where the cost of the audit exceeds the benefits derived.

(4) Failure to adjudicate carriers' claims disputing prepayment audit positions of the designee agency within 30 days of receipt.

(5) Failure of the designee, or any audit authority under it to follow Comptroller General decisions, Federal Property Management Regulations, and instructions, or precedents regarding substantive and procedural matters.

(6) Failure to provide information / data, or to cooperate in onsite inspections, necessary to analyze cost-effectiveness or to conduct a quality assurance review.

§ 101-41.200 Scope and applicability of subpart.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for passenger transportation services for the account of the United States.

§ 101-41.201 (Reserved)**§ 101-41.202 Standard forms relating to passenger transportation.**

The Standard Forms listed in paragraphs (a) through (g) of this section are prescribed for use in connection with the procurement of passenger transportation services for the account of the United States.

- (a) SF 1113, Public Voucher for Transportation Charges (Original).
- (b) SF 1113-A, Public Voucher for Transportation Charges (Memorandum Copy).
- (c) SF 1169, U. S. Government Transportation Request (Original).
- (d) SF 1169-A, U. S. Government Transportation Request (Memorandum Copy).
- (e) SF 1169-B, U. S. Government Transportation Request (Duplicate). (Snapout assembly only.)
- (f) SF 1169-C, U. S. Government Transportation Request (Triplicate). (Snapout assembly only.)
- (g) SF 1170, Redemption of Unused Tickets.
- (h) SF 1170-EDP, (Electronic Data Processing), Redemption of Unused Tickets, (computer-generated).

§ 101-41.202-1 SF 1169, U. S. Government Transportation Request.

U. S. Government transportation request (GTR) forms are available in books of 10 sets, each set consisting of one original (SF 1169) and one memorandum copy (SF 1169-A) of punched-card stock; or in individual snapout assemblies consisting of one original, one memorandum card copy, and two paper copies (SF 1169-B and SF 1169-C). The GTR's are serially numbered and punched with that number at the time of manufacture, and no other numbering of the forms, including additions or changes to the prefixes or additions of suffixes, is permitted.

(a) The original GTR (blue), given to the traveler for presentation to the ticket agent of the issuing carrier, is evidence of service or accommodations required and shall, except as hereinafter provided, be used as a supporting document with the carrier's bill for the transportation charges.

(b) The memorandum card copy (buff) and the duplicate and triplicate paper copies (white) are distributed as directed by the regulations of each agency.

(c) SF 1169 assemblies are numbered sequentially in seven digits with an alphabetical prefix assigned to differentiate between civilian and military agencies as follows:

(1) Civilian agencies, books of 10. The prefix starts at A and advances through the alphabet; e.g., A-0,000,001 through A-9,999,999, then B-0,000,001 through B-9,999,999, etc.

(2) Civilian agencies, individual snapout assemblies. The prefix starts with the letter L and changes in reverse order to K, then J, etc.

(3) Military agencies, individual snapout assemblies. The prefix starts with the letter M and advances to N and forward through the remainder of the alphabet.

§ 101-41.202-2 SF 1170, Redemption of Unused Tickets.

(a) SF 1170 and SF 1170-EDP (computer-generated) consist of an original and three copies which are carbon-interleaved for simultaneous preparation.

(b) The SF 1170 is preprinted (three to the page) on 8 3/8- by 9 3/4-inch, four part carbon-interleaved, marginally punched paper. There are perforations between each form.

(c) SF 1170-EDP (computer-generated) must be printed on standard 8 1/2- by 11-inch, four part carbon-interleaved, marginally punched paper.

SF 1170-EDP must be positioned so that the name and address of the carrier begin at line 13, column 9, and must be no longer than 31 characters and 5 lines. The name and

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address of the agency to which the refund is to be made must begin at line 13, column 48, and must be no longer than 31 characters and 5 lines. Fold marks must be located at line 22 and line 45. The SF 1170-EDP must conform to the exact wording as the approved Standard form and must contain the form number and edition date.

§ 101-41.202-3 SF 1113, Public Voucher for Transportation charges.

SF 1113, which shall be used to bill passenger transportation charges, is printed on white paper, 8 1/2 by 14 3/16 inches overall, including an 8 1/2 by 3 3/16-inch tear-off slip which generally is returned to the payee with the check in payment of charges. (See § 101-41.803(b) for exception.) The memorandum copy, SF 1113-A, is printed on yellow paper of the same size as the SF 1113 but without the tear-off slip.

§ 101-41.202-4 (Reserved)

§ 101-41.202-5 Procurement of standard forms by agencies and carriers.

(a) Agencies may obtain supplies of SF 1169 and SF 1170 assemblies from GSA by submitting a requisition in FEDSTRIP format to GSA's Federal Supply Service, Furniture Commodity Center (FCNI), Washington, DC 20406. With respect to the GTR assemblies, FCNI maintains a record of the serial numbers imprinted on the forms and the names and mailing addresses of the receiving agencies. Where feasible, agencies should request that the name and address of the office to be billed for payment of charges be preprinted on each SF 1169 and that the name and address of the office to receive the refund be preprinted on each SF 1170. No other overprinting on SF 1169, SF 1170, or SF 1170-EDP (computer-generated) is permitted unless specifically approved in writing by the Director, Office of Transportation Audits (FW), GSA.

(b) Carriers may purchase SF 1113 and SF 1113-A from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, or have them printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved standard forms and, while no minimum grade of paper is set, carriers shall provide a reasonable grade of paperstock. Carriers may have SF 1113 and SF 1113-A printed also in continuous-feed format for machine billing by adding pin-feed strips on the margins. The tear-off slip may be moved from the bottom to the right edge of SF 1113, to aid in machine use of the form, but it must be perforated on all edges to measure 8 1/2 by 3 3/16 inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, color, and arrangement of the approved standard forms. Any deviations must be approved in writing by the Director, Office of Transportation Audits (FW), GSA,

§ 101-41.203 Procurement of passenger transportation service.

§ 101-41.203-1 Procurement from carriers.

(a) All passenger transportation services must be procured with GTR's unless otherwise provided herein or exempted in writing by the Administrator of General Services (or his designee). Such services, whether procured by the use of cash, the GTR, GSA contractor issued charge card, Government travel system accounts (GTS), or contractor travelers checks must be procured directly from carriers, travel agents, or Scheduled Airline Traffic Office's (SATO's). Travel agencies may be used only as proscribed by GSA's Federal Travel Regulations (FTR), 41 CFR 101-7, Federal Property Management Regulations Temporary Regulation A-24 (May 25, 1984, 49 FR 22085) or applicable regulations of the Department of Defense.

(b) The use of U. S.-flag vessels for travel on official business and of U. S.-flag certificated air carriers for Government-financed passenger transportation is required by statute (46 U. S. C. 1241 and 49 U. S. C. 1517) when such vessels and air carriers are available. Compliance with these statutes is mandatory whether the U. S. Government pays the transportation charges to the carrier direct or through reimbursement of an individual or other entity. Uniform standards and procedures prescribed by the Comptroller General of the United States for guidance of all departments, agencies, travelers, carriers, and others concerned in conforming to these statutes are found in 4 CFR 52.2 and in various Comptroller General decisions.

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§ 101-41.203-2 Use of cash.

(a) Cash shall be used to procure all passenger transportation services costing \$10 or less, exclusive of Federal transportation tax, and to pay air excess baggage charges of \$15 or less for each leg of a trip (see § 101-41.203-6), unless special circumstances justify the use of a GTR or GEBAT. Agencies have the option of requiring travelers to use cash to procure passenger transportation services from, to, or between points in the United States, including Alaska and Hawaii, and its possessions or trust territories, where such services cost more than \$10, but do not exceed \$100,

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exclusive of Federal transportation tax, for each trip authorized on an official travel authorization. GTR's shall be used to procure all passenger transportation services costing in excess of \$100, excluding Federal transportation tax, unless otherwise exempted herein. For the purpose of this subpart, references made to GTR's also apply to Government Travel System (GTS) accounts and Government-issued charge cards.

(1) Approval for the use of cash in excess of \$100 should be obtained prior to travel. In the absence of advance written authorization or approval, travel shall be purchased in accordance with policies and procedures prescribed in applicable Government travel regulations. The traveler shall be responsible for all additional costs involved for this travel, such as the use of foreign-flag carriers, first-class travel, or more costly modes unless such use is approved on the travel voucher in accordance with the governing provisions of the Federal Travel Regulations. The traveler should be aware that the use of a GTR may be required to obtain certain discount fares and to comply with the mandatory provisions of FPMR Temporary Regulations (A Series) governing the use of contract airline service between designated city-pairs. Cash shall not be used to circumvent the regulations governing airline city-pair contracts.

(2) Agencies shall not impose a financial hardship on travelers by requiring their use of personal funds to purchase the services set forth in paragraph (a) of this section but should provide the funds through travel advances.

(3) Use of credit cards, other than the GSA contractor-issued charge cards, and all travelers checks to purchase passenger transportation services shall be considered the equivalent of cash and subject to the \$100 limitation provided in paragraph (a) of this section.

(4) Passenger transportation services procured with GSA contractor-issued charge cards or under Government Travel System accounts are not subject to the \$100 cash limitation.

(5) Passenger transportation services procured in accordance with the group or charter provisions of section 1-3.4(2)(a) of the Federal Travel Regulations (FTR), 41 CFR Part 101-7, as amended, are not subject to the provisions of this subpart.

(b) Under emergency circumstances, where the use of GTR's is not possible, heads of agencies, or their designated representatives, may authorize travelers to exceed the \$100 limitation when procuring passenger transportation services.

(1) Delegation of authority for authorizing and approving the use of cash in excess of \$100 for the procurement of emergency transportation services shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances. These delegations of authority shall be made in writing and copies retained to permit monitoring of the system. These records of delegations of authority shall be available for examination by GSA auditors.

(2) To justify the use of cash in excess of \$100 instead of GTR's when procuring passenger transportation services, both the Government agency head, or his/her designated representative, and the traveler shall certify on the travel voucher the reasons for this use.

(3) After a traveler has been reimbursed for an emergency cash purchase, copies of travel authorizations, ticket coupons, and any ticket refund applications, or SF 1170's, Redemption of Unused Tickets, shall be forwarded for audit to the General Services Administration (BWAA/C), Attention: Code E, Washington, DC 20405.

(4) Travel vouchers shall be maintained in the agency to be available for site audit by GSA auditors. General Records Schedule 9, Travel and Transportation Records (see § 101-11.404-2), provides instructions for the disposal of these travel vouchers.

(c) Under nonemergency circumstances, where use of a GTR is possible, heads of agencies, or their designated representatives, shall request an exemption from the Director, Office of Transportation Audits (BW), GSA, Washington, DC 20405 for cash purchases exceeding the \$100 limitation.

(1) Requests shall be made in writing, shall only be for individual travel itineraries, and shall fully explain why an exemption should be granted. Traveler convenience will not be cause for GSA approval. For the purpose of performing a fare audit, requests shall

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also include copies of travel authorizations, ticket coupons, and any ticket refund applications, or SF 1170's associated with the travel in question.

(2) Travelers shall not be reimbursed for the nonemergency use of cash to procure passenger transportation services costing more than \$100 unless written approval is granted by GSA.

(d) Suspected travel management errors and/or misroutings which result in higher travel costs to the U. S. Government will be reported by GSA (BWCA) to the appropriate military or civil agency travel manager for corrective action with the violating agency.

(e) Travelers using cash to purchase individual passenger transportation services shall procure such services directly from carriers, travel agents under GSA contract (see § 101-41.203-1), or SATO's, and shall account for those expenses on their travel vouchers, furnishing passenger coupons or other evidence as appropriate in support thereof. Moreover, travelers shall assign to the Government the right to recover any excess payments involving carriers' use of improper rates. That assignment is preprinted on the travel voucher and shall be initialed by the traveler.

(f) Travelers using cash to procure passenger transportation services shall be made aware of the provisions of § 101-41.209-4 concerning a carrier's liability for liquidated damages because of failure to provide confirmed reserved space. Also, travelers using cash shall adhere to the regulations of the General Accounting Office (4 CFR 52.2) regarding the use of U. S.-flag vessels and air carriers (see § 101-41.203-1(b)).

§ 101-41.203-3 Quantity (bulk) ticket purchases.

Quantities of transportation tickets for use by persons traveling for the account of the United States may be procured through the issuance of a single GTR. Tickets and/or tokens for intracity transportation involving the use of local or short-haul transit service may be similarly purchased in bulk quantities. Each GTR issued for the procurement of tickets or tokens shall be identified as "Bulk purchase," and tickets so procured shall bear the words "U. S. Government" and "Not Redeemable for Cash Except by the U. S. Government."

(a) *Discretionary authority to approve use of quantity purchase procedures.* The head of an agency or his designee may approve the issuance of one GTR instead of individual GTR's or purchase orders to procure a quantity of tickets or tokens.

(b) *Limitations on and conditions for making quantity purchases.* The discretionary authority to use bulk purchase procedures is restricted to situations in which:

(1) A continuing substantial volume of individual travel via the same mode and class of transportation is required between one origin and one destination;

(2) Each one-way or round trip single fare for transportation does not exceed \$250 exclusive of Federal transportation tax; and

(3) Each group of tickets or tokens is to be used within any one 60-day period of a fiscal year.

(c) *Agency regulations governing use of the quantity-purchase system.* Each agency adopting the quantity-ticket-purchase method shall issue internal instructions clearly defining the particular circumstances and conditions under which transportation tickets may be purchased in quantity. Further, each agency shall establish specific account-ability controls for stocks of tickets and tokens and for periodically reviewing its regulations to ensure maintenance of a reasonable and objective quantity purchase program.

§ 101-41.203-4 Reduced rate services.

Through fares, special fares, commutation fares, excursion fares, and reduced rate one-way and round-trip fares shall be used for official travel when it can be determined before starting a trip that, all things considered, use of such service would be more practical and economical.

§ 101-41.203-5 Joint procurement of rail transportation and accommodations.

When the need for sleeping or parlor car accommodations is known at the time the rail transportation services are authorized, a single GTR shall be issued for joint procurement of transportation and accommodations. A separate GTR may be used to procure accommodations if such service is authorized after procurement of the rail transportation ticket; the GTR shall bear the name of the carrier issuing the sleeping or parlor car ticket and, when known, the number of the GTR covering the rail transportation service.

§ 101-41.203-6 Air excess baggage service.

(a) Cash shall generally be used to pay

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for the air carriage of authorized excess baggage when the cost thereof is \$15 or less for each leg of a trip. (See § 101-41.203-2.) When the charges will exceed \$15, the air carrier to which the authorizing GTR is presented shall prepare one or more sets of a Government excess baggage authorization/ticket (GEBAT) to provide a separate coupon for each change of flight, barrier, or stopover. It is essential to the payment process that the GTR number, the name and address of the office to be billed for the services furnished, and the name of the traveler, as shown on the authorizing GTR, be completely and accurately entered on the GEBAT.

(b) The GEBAT coupons shall be given to the traveler with the air ticket for presentation to the honoring carriers. Each carrier that is to provide excess baggage service shall lift the pertinent coupon, complete it to show the gross and net weights or number of pieces of baggage carried, and use the coupon to support the subsequent billing of charges. The carrier providing the service may bill its charges direct to the paying office or may forward the coupon to the carrier to which the GTR was tendered for billing.

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§ 101-41.204 Contracts, tenders, and charters.**§ 101-41.204-1 Contracts.**

With the exception of contracts for intracity bus service and contracts entered into by the Military Airlift Command and the Military Sealift Command, a copy of each contract, negotiated or otherwise, providing rates or charges for passenger transportation services shall be forwarded by agencies, promptly upon execution, to the General Services Administration (BWA), Washington, DC 20405.

§ 101-41.204-2 Tenders.

Two copies of each tender or quotation of special rates, fares, charges, or concessions for common or contract carrier passenger transportation services, including those made under section 10721 of the Revised Interstate Commerce Act (49 U. S. C. 10721), formerly section 22 of the Interstate Commerce Act, shall be promptly submitted by the negotiating agencies to the General Services Administration (BWA), Washington, DC 20405.

§ 101-41.204-3 Procurement and billing of contract or tender service.

Any service offered under a contract or tender shall be obtained by issuance of a GTR bearing the number of the pertinent contract or tender. The carrier shall bill its charges for service on SF 1113.

§ 101-41.204-4 Procurement and billing of charter service.

When air, bus, or water service is chartered for the account of an agency, the terms of the charter shall be in writing and signed by authorized representatives of the Government and the carrier. A GTR shall be issued to procure chartered service and shall be accompanied by the original charter order or certificate when it is presented for payment of charges on SF 1113.

§ 101-41.205 Special procedures for preparing agency-stocked tickets for passenger transportation services.**§ 101-41.205-1 Use of teletype ticketing equipment.**

(a) *Teleticketing systems.* (1) Agencies are encouraged to adopt the use of tele-type machines for issuing tickets for passenger transportation services (other than air excess baggage services) and the use of the systems concept of automatic payment as set forth in § 101-41.206, whenever cost effective and feasible, so that the number of GTR's issued may be reduced and the expense and time expended in picking up tickets and processing individual carrier bills may be eliminated. Each agency should compare its current costs associated with passenger transportation procurement and payment with the potential costs of using a teleticketing and/or automatic payment system. Specific cost information can be obtained from the local communications company responsible for installing the teletype ticketing equipment. Also, agencies may jointly establish a teleticketing system on a common-use basis to reduce individual agency costs.

(2) GSA has entered into a master contract with passenger-carrying members of the air transportation industry for teleticketing service. Copies of the contract, as well as information on agency procedures and responsibilities and GSA reporting requirements, may be obtained from the appropriate GSA regional office. Additional information and assistance is available from General Services Administration (FT), Washington, DC 20406. Under this teleticketing system, the contractor airline furnishes prenumbered teletype ticket stock and a validating stamp to the agency. The issuance of a ticket on that stock is accomplished by activation of the teletype equipment by the ticketing airline in response to a request from the agency. Each agency shall be responsible for establishing procedures and facilities for effectively maintaining accountability, control, and security of the teleticket receiver, ticket stock, validating stamp, tickets and ticket copies, and GTR's.

(b) *General procedures for issuing and processing teletype tickets.* (1) At the beginning of each calendar week or of a mutually agreed upon payment period not exceeding 1 month, a so-called blanket GTR shall be issued for each agency or paying office using the service at a given location. The number of the GTR shall be furnished to the carrier each time transmission of a ticket is requested during the payment period so that it may be printed on the ticket. Any ticket transmitted by the carrier that does not bear the applicable GTR number shall not be validated or issued by the Government teletype clerk.

(2) A separate ticket listing shall be maintained for each GTR to show the number and value of each ticket issued under it, the appropriation or fund chargeable, and other information that may be essential to agency and carrier fiscal requirements.

(3) At the end of the payment period, payment shall be effected as set forth in § 101-41.206.

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(c) *Procedures for processing unused tickets.* All coupons of a completely unused ticket procured on a GTR that has not been processed for payment shall be marked "VOID," and the pertinent entry on the ticket listing shall be lined out. All voided coupons other than the agent's coupon shall accompany the ticket listing when it is processed for payment. The agent's coupon shall be retained by the agency. A completely unused ticket procured on a GTR that has already been paid and all partially unused tickets, whether paid or not, shall be processed on Standard Form 1170, Redemption of unused Tickets, to the contractor-carrier for refund under procedures set forth in § 101-41.210.

§ 101-41.205-2 Use of preprinted rail ticket stock.

(a) *Stocking of preprinted rail ticket stock.* (1) Passenger transportation ticket stock, preprinted for rail travel between designated cities only, and other material essential to the preparation and issuance of the tickets are available to agencies under a master contract concluded between GSA and the National Railroad Passenger Corporation (Amtrak). Agencies desiring to adopt this system may procure a copy of the master contract and a ticket service agreement for execution by the agency and Amtrak, as well as information on agency procedures and responsibilities and GSA reporting requirements, from the appropriate GSA regional office. Additional information is available from General Services Administration (FT), Washington, DC 20405.

(2) Under this contract, Amtrak furnishes the agency with a validating stamp, serially numbered ticket stock preprinted with origin and destination cities, and related material. Also, Amtrak is responsible for training agency personnel in the preparation and issuance of tickets and other essential services. Open ticket stock shall not be supplied or used under any circumstances. Each agency shall be responsible for establishing procedures and facilities for effectively maintaining accountability, control, and security of the ticket stock, validating stamp, tickets and ticket copies, and the stock of GTR's.

(b) *Procedures for issuing tickets under individual GTR's.* Where few tickets are required each month, the agency shall prepare a GTR for each ticket issued and maintain a listing of all individual GTR's issued during the month. A completely unused ticket procured on a GTR that has not been processed for payment shall be voided and the pertinent entry on the GTR listing shall be lined out. All other unused tickets shall be processed under SF 1170 procedure as set forth in § 101-41.210. Within days after the end of the month, the originals of each procuring GTR, the agent's coupons of each ticket issued in that month, all copies of any spoiled or voided tickets prepared during the month, and the listing of issuances shall be forwarded to the designated Amtrak office for preparation of its bill for the applicable charges. A copy of the listing shall be retained by the agency for comparison with the billed charges.

(c) *Procedures for issuing and processing tickets under blanket GTR's.* When the number of required tickets is of sufficient volume to warrant the use of automatic payment procedures as set forth in § 101-41.206, a blanket GTR shall be used to cover all tickets issued during a mutually agreed upon period not exceeding 1 month. Tickets shall be issued as follows:

(1) At the beginning of each payment period, a blanket GTR shall be prepared by the agency or paying office party to the ticket service agreement. The number of that GTR and of the ticket issue shall be furnished to Amtrak each time a reservation is requested. Each ticket shall bear the number of the procuring GTR.

(2) A separate ticket listing shall be maintained for each GTR to show the number and value of the tickets issued during the payment period and such other information as may be agreed upon by Amtrak and the agency.

(3) At the end of the payment period payment shall be effected as set forth in § 101-41.206.

(d) *Procedures for processing unused tickets.* A completely unused ticket procured on a GTR that has not been processed for payment shall be marked "VOID" and the pertinent entry on the ticket listing shall be lined out. All coupons shall be accounted for and submitted to Amtrak with the ticket listing. A completely unused ticket procured on a GTR that has already been paid on all partially unused tickets, whether paid or not, shall be processed to Amtrak on Standard Form 1170 for refund under procedures set forth in § 101-41.210.

§ 101-41.206 Special procedures for automatic payment of carrier charges for passenger transportation service

(a) At the end of the payment period for which a blanket GTR has been issued according to § 101-41.205, the original GTR, the auditor's and agent's cou-

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pons of each ticket issued but not voided during the period, all spoiled or completely unused tickets issued during the period, and the original and two copies of the ticket listing shall be forwarded to the responsible agency accounting activity for preparation of the appropriate disbursing documents and issuance of the check to the contractor-carrier for air transportation charges or to Amtrak for rail transportation charges. The payment check shall bear the name and location of the agency authorizing payment, the applicable GTR number, and the letters "APP" (for automatic payment procedures). For air service, the auditor's coupons and the original of the ticket listing for the period shall be sent to the contractor-carrier to facilitate distribution of the payment to the ticketing carriers. For Amtrak service, the agent's coupons and the original of the ticket listing shall be sent to Amtrak.

(b) Agencies using the disbursing facilities of the Department of the Treasury shall issue Standard Form 1166 OCR. Voucher and Schedule of Payments (voucher-schedule), to the Department of the Treasury for issuance of the check. The payee block of the voucher-schedule shall include the above-cited identifying information that is to appear on the payment check. The stub attached to the SF 1166 OCR is not used in this instance and shall be destroyed.

(c) The accounting activity shall send to the General Services Administration (FWAA/C), Washington, DC 20405:

(1) The original of the blanket GTR (SF 1169);

(2) A copy of the ticket listing; and

(3) The agent's coupon of each ticket paid on the listing for air service, or the auditor's coupon of each ticket paid on a listing for Amtrak service.

(d) The air contractor-carrier or Amtrak shall be responsible for making settlement of all overcharges found upon GSA's subsequent audit of the documents covering their respective transportation services and for stating valid claims for additional charges as prescribed in Subpart 101-41.6.

§ 101-41.207 Use, preparation, and disposition of GTR's (SF 1169).

§ 101-41.207-1 Use of GTR's.

GTR's shall be issued and used only for officially authorized travel for the account of the United States. GTR's shall not be issued or used to obtain transportation services or privileges personally desired but not required for official business, such as extra-fare trains or planes, stopovers, and indirect routings which increase or exceed the cost of the authorized transportation or service. When a service other than that authorized is requested by the traveler, the carrier shall collect the additional cost thereof, including the Federal transportation tax, from the traveler at the time the GTR is exchanged for tickets. GTR's shall not be issued to obtain official passenger transportation services costing \$10 or less, exclusive of Federal transportation tax, or air excess baggage services costing \$15 or less for each leg of a trip, unless special circumstances justify the issuance of a GTR.

(a) *Stopovers.* Travelers required to make stops to conduct official business generally shall use only one GTR to procure a through ticket providing stopover privileges. Each stopover shall be specifically identified on the GTR.

(b) *Taxicab.* intracity, transit services, toll charges, etc. GTR's shall not be used for individually procured taxicab, airport limousine, intracity transit, or so-called drive-yourself type or other for-hire automobile services nor for payment of toll road or toll bridge charges.

§ 101-41.207-2 Preparation of GTR's.

(a) Detailed instructions for the preparation of the GTR and related forms are furnished in the GSA guide "How to Prepare and Process U. S. Government Transportation Requests" (national stock number 7610-01-038-1389). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the General Services Administration regional office providing support to the requesting activity. Copies also are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402.

(b) The memorandum card copy (SF 1169A) shall be prepared simultaneously with the original (SF 1169) and shall clearly show all information other than signatures that appears on the original at the time of surrender for service. Carrier agents shall not accept the memorandum card copy in lieu of the original.

§ 101-41.207-3 Disposition of spoiled or canceled GTR's.

A GTR spoiled in preparation, canceled, or prepared for issuance but not used shall be marked "CANCELED" across the face and forwarded immedi-

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ately through the issuing office to the office maintaining the accountability records. General Records Schedule 9, Travel and Transportation Records (see § 101-11.404-2), provides instructions for the disposal of a GTR.

§ 101-41.207-4 Accountability for GTR's.

Each agency shall prescribe procedures to control GTR procurement, stocking, distribution, and accountability and shall establish safeguards to prevent their improper or unauthorized use. Each officer and employee of the Government or other person having custody of a GTR is responsible for its safekeeping and is liable for amounts which the Government may be required to pay because of improper use of the GTR resulting from fault or negligence of the custodian.

§ 101-41.208 Validation and honoring of GTR's.

§ 101-41.208-1 Validation of GTR's and identification of travelers.

GTR's shall be completely filled out and properly signed by the issuing officer so as to be valid for presentation to obtain transportation services and/or accommodations. Carrier agents shall not honor GTR's which are incomplete or unsigned or which show erasures or alterations not validated by the initials of the issuing officer. Carriers shall require the person presenting a valid GTR to establish his identity as the traveler or party authorized to receive the ticket, exchange order, refund slip, or other transportation document. In the absence of satisfactory identification, the GTR shall not be honored.

§ 101-41.208-2 GTR Identification on tickets and coupons.

Carriers shall stamp or endorse each coupon of the ticket, exchange order or other transportation document with the words "U. S. GOVERNMENT" and the serial number of the GTR authorizing the service. Each Government excess baggage authorization/ticket (GEBAT) shall show the GTR number, the complete name and address of the agency to which charges applicable to the excess baggage services shall be billed, and the name of the traveler, as shown on the authorizing GTR.

§ 101-41.208-3 Honoring GTR's.

The GTR shall be drawn on the carrier that is expected to furnish the service. However, a carrier other than the one named may honor the GTR provided the substitute carrier furnishes comparable service. When a different service or a service of lesser value is furnished, the type of service and the name of the carrier, if other than that shown on the GTR, shall be entered on the reverse of the GTR. That record shall be signed and dated by the carrier representative and countersigned by the traveler or person in charge of a group of travelers. The traveler or person in charge shall similarly endorse the memorandum card copy (SF 1169-A). If the original and the memorandum card copy are unavailable, the traveler or person in charge shall promptly forward written notification of the change to the office that issued the GTR. The carrier shall bill charges for the changed or lesser cost service to avoid subsequent adjustments with the Government.

§ 101-41.208-4 Issuance and use of sleeping or parlor car tickets when accommodations are not assigned.

(a) At the time a traveler presents a GTR authorizing sleeping or parlor car accommodations, the ticket agent shall issue a ticket therefor even if there is no guarantee that the accommodations will be available. This situation arises when a reservation cannot be made in advance for sleeping or parlor car service authorized to begin:

- (1) At an intermediate point;
- (2) At the initial point of travel but space is currently exhausted; or
- (3) At the return portion of a round trip.

(b) It is incumbent upon the traveler holding such ticket to obtain an actual space assignment immediately upon arrival at the point where the authorized accommodations are to be furnished. When the service supplied is different or of a lesser value than that authorized by the ticket, the traveler shall secure written acknowledgment of that fact from the local ticket agent or conductor as signing the space and submit it promptly with a written report of the facts and circumstances, including reference to the number of the GTR exchanged for the ticket, to the office that issued the GTR. The traveler shall also forward with that report any unused tickets or transportation coupons in his possession.

§ 101-41.208-5 En route honoring of GTR's for rail and sleeping or parlor car services.

(a) When there is no ticket agent on duty, necessitating that tickets for rail transportation and/or sleeping or parlor car services be obtained at the nearest available point en route, the conductor shall:

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- (1) Honor the GTR to the first station en route where such tickets can be obtained;
 - (2) Endorse on the back of the GTR over his signature the points between which it was honored without tickets; and
 - (3) Obtain the signature of the traveler below the endorsement.
- (b) The ticket agent at the station en route shall issue rail and/or sleeping or parlor car tickets from the initial point of service authorized on the GTR in exchange for the GTR.

§ 101-41.208-6 En route honoring of GTR's for sleeping or parlor car services only.

When a GTR is presented on the train for sleeping or parlor car accommodations only, it shall be honored by the conductor.

§ 101-41.208-7 Honoring of GTR's by bus drivers.

- (a) When a GTR is presented direct to a bus driver:
- (1) At a bus station not supplied with the proper ticket forms;
 - (2) At a nonagent station or flag stop; or
 - (3) At a station at which the ticket office is not open for the sale of tickets, the bus driver shall honor the GTR to destination or arrange for its exchange for a ticket at some intermediate point.
- (b) When the GTR is exchanged at an intermediate ticket office, it shall be endorsed to show clearly that transportation was furnished from the point of origin of travel, not from the intermediate point at which the GTR was exchanged for a ticket.

§ 101-41.209 Unused transportation services or accommodations.

§ 101-41.209-1 Reporting unfurnished or unused transportation services or accommodation.

- (a) An individual traveler or a person in charge of a group of travelers shall promptly submit to the appropriate office of his agency any unused tickets or coupons as well as a report identifying the appropriate GTR and setting forth pertinent facts if:
- (1) Travel is terminated short of the authorized destination;
 - (2) Services actually furnished are different or of a lesser value than those authorized and the GTR cannot be so endorsed; or
 - (3) The return portion of a round trip ticket is not used.
- (b) Lacking unused tickets or coupons as evidence of the unfurnished services, the traveler or person in charge of the group of travelers shall obtain written acknowledgment of the situation from the carrier's representative for submission with the report. If transportation and/or accommodations are furnished for a lesser number of persons than specified on a party ticket, the carrier's conductor or ticket collector shall note on the ticket or coupon the number of persons actually transported and the number and type of accommodations furnished.

§ 101-41.209-2 Adjustments for unfurnished or unused transportation services or accommodations.

All adjustments for unfurnished or unused services in connection with Government transportation must be processed through a Government agency. Travelers, issuing officers, or private individuals are not authorized to receive refunds, credits, or any other negotiable instruments for unfurnished services or unused tickets or portions thereof issued in exchange for GTR's. Carriers are accountable to the Government for refunds or adjustments improperly made to issuing officers or individuals traveling at Government expense. (See § 101-41.210 for procedures for collecting the value of unused or unfurnished services.)

§ 101-41.209-3 Cancellation of reservations.

A traveler shall cancel reservations for transportation services and/or accommodations as soon as he knows that such reservations will not be used. Failure of a traveler to take such action may subject him to liability for cancellation charges assessed by the carrier.

§ 101-41.209-4 Denied boarding compensation.

Each traveler shall be made aware that the tariffs of certain scheduled air carriers require the payment of liquidated damages in certain situations if the carriers fail to provide confirmed reserved space. Since the individual's travel on official business is for the account of the United States, the Government would be damaged by the delay or failure and would be entitled to reimbursement if a carrier is liable under its tariff provisions for liquidated damages. Thus the traveler who has been denied confirmed reserved space shall ensure that the liable carrier shows on the compensation check the "Treasurer of the United States" as payee. The traveler shall give the carrier a receipt for the check, retain a copy of the receipt, and forward the check with the copy of the receipt to his agency for deposit.

§ 101.41.210 Ticket refund procedures.

Agencies shall not revise carrier bills or require carriers to rebill items. Sections 101-41.210-5 and 6, respectively, contain procedures for recovering from carriers the value of exchanged, returned, or unused tickets when the carrier fails to make refund or otherwise satisfy an SF 1170 claim, or involves unused transportation services billed by foreign-flag carriers.

§ 101-41.210-1 Exchanged or returned tickets.

(a) Exchanged or returned tickets are tickets in a carrier's possession for which the carrier has issued a lesser valued ticket, receipt, or refund application showing a refund due the U. S. Government. Agencies shall not submit an SF 1170 to the carrier to claim a refund for the unused value of an exchanged or returned ticket. Carriers are required to make refunds to the "bill charges to" office indicated on the GTR within 60 calendar days from date of ticket exchange. Agencies must provide travelers with a "bill charges to" address by attaching a copy of the GTR or some other document containing the information to the ticket or to the travel authorization. If carriers cannot identify the issuing agency, refunds shall be sent to GSA (BWCA), Washington, DC 20405. These refunds are subject to the following procedures:

(1) Carriers must include the traveler's name, GTR number, ticket number, amount being refunded, and any other information pertinent to the refund.

(2) Agencies may make written inquiry to the carrier to obtain the above information for the purpose of recovering the refund from GSA.

(b) When accepting exchanged or returned tickets purchased under a GTS account, the carrier must issue a receipt to the purchasing office showing a credit is due the agency.

(c) When accepting exchanged or returned tickets purchased with a Government employee Diners Club charge card, the carrier must issue a receipt to the traveler showing a credit is due the traveler.

§ 101-41.210-1a Agency monitoring and processing of exchanged ticket refunds.

Agencies awaiting exchanged or returned ticket carrier refunds shall:

(a) Obtain carrier refund applications or receipts from travelers for accounting purposes.

(b) Record and deposit refunds in conformity with agency fiscal procedures.

(c) Forward carrier refund applications and any other pertinent information to GSA (BWCA), Washington, DC 20405, if refund has not been received within 90 calendar days of date of ticket exchange or return.

§ 101-41.210-2 unused or unreturned tickets.

Unused or unreturned tickets are those which have not been used for passenger service, exchanged, or returned to a carrier. Agencies shall demand the refund value of these tickets from carriers through the use of an SF 1170, Redemption of Unused Tickets. A separate SF 1170 must be prepaid for each GTR, though more than one ticket or adjustment transaction may be related to that GTR. Each ticket must be listed on the SF 1170. Unused or unreturned tickets purchased under a GTS account must be returned to the appropriate Federal agency office, the Travel Management Center (TMC), or Scheduled Airline Traffic Office (SATO) that furnished the airline ticket. The TMC or SATO must issue a receipt to the agency showing a credit is due the agency. Unused or unreturned tickets purchased with a Government employee Diners Club charge card must be returned by the traveler to the TMC, SATO, or air carrier that issued the original ticket. The TMC, SATO, or air carrier must issue a receipt to the traveler showing a credit is due the employee. For procedures covering unused transportation services billed by foreign-flag carriers, see § 101-41.210-6.

§ 101-41.210-3 Agency processing of SF 1170 claims.

Timely processing of SF 1170 is essential to facilitate prompt refunds from carriers. Agencies processing SF 1170 shall ensure that:

(a) All copies clearly show the required details;

(b) The original and the duplicate copy, together with pertinent unused tickets, are promptly forwarded to the carrier; and

(c) All other copies are retained by the agency for accounting control.

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§ 101-41.210-3a Carrier processing of SF 1170.

Each carrier shall promptly refund monies to adjust items listed on an SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded, and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170. If a carrier is unable to determine which agency submitted the SF 1170, the payment and refund information shall be sent directly to the General Services Administration (BWCA). Any refunds sent directly to GSA will be subject to the following procedures:

(a) Carriers must include the traveler's name, GTR number, the ticket number, the amount being refunded, and any other information pertinent to the refund.

(b) Agencies may make written inquiry directly to the carrier to obtain the above information for the purpose of recovering refunds from GSA.

§ 101-41.210-4 Agency processing of SF 1170 refunds.

Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures; and, if the refund has previously been reported to GSA as uncollected under § 101-41.210-5, shall, within 30 calendar days of receipt thereof, forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (BWCA), Washington, DC 20405.

§ 101-41.210-5 Agency processing of SF 1170 claims for which the carrier failed to refund or otherwise satisfy the claim.

(a) Partial tickets---A partial ticket is one in which one or more (but not all) coupons have been used. If, within 90 calendar days from the date of issuance of SF 1170, the carrier has failed to make refund for the unused portion of a partially used ticket or to furnish a satisfactory explanation as to why no refund is due, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (BWCA), Washington, DC 20405, for appropriate action. An agency may remove from its active accounts those debts referred to GSA under this section. This shall be recorded in a manner sufficient to support its removal from agency accounting records. Should a refund or response be received from the carrier after referring the claim to GSA, the agency shall, within 30 calendar days of receipt thereof, forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (BWCA) in accordance with § 101-41.210-4.

(b) Complete tickets---A complete ticket is one in which no coupons have been used. If, within 30 calendar days from the date of issuance of SF 1170, the carrier has failed to make refund for a complete ticket or to furnish a satisfactory explanation as to why no refund is due, the agency shall take action to collect the debt under the Federal Claims Collection Standards, including administrative offset, if necessary.

§ 101-41.210-5a Carrier refund for unused tickets when SF 1170 has not been received.

If no SF 1170 is received, carriers shall refund to GSA (BWCA) the value of unused tickets after they have expired. Carriers are required to make such refunds within 90 days after the expiration date. The GTR number, ticket number, and the amount being refunded must be included along with any other information pertinent to the refund.

§ 101-41.210-5b Payment to carrier for subsequent use of ticket for transportation or second refund through the use of an SF 1170 after an initial refund to GSA for unused expired ticket.

If, following the initial refund to GSA by the carrier of the value of an unused ticket which has expired, the ticket should subsequently be used for transportation or be refunded a second time through the use of an SF 1170, then either the value of the transportation or the amount of the second refund shall be paid to the carrier

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upon presentation of an SF 1113, Public Voucher for Transportation Charges. The SF 1113 shall be submitted for payment to GSA (BWCA), Washington, DC 20405. The billing carrier shall note on the face of the SF 1113 the fact that it relates to a previously refunded expired ticket which was subsequently used for transportation, or was refunded a second time through the use of an SF 1170. The carrier shall submit with the SF 1113 copies of those documents pertinent to the previous refund and the current transportation charge when applicable.

§ 101-41.210-5c Alternative unused ticket refund procedures.

If mutually satisfactory alternative arrangements such as the application of sampling techniques or other means are consummated between carrier and GSA for the purpose of recovering the value of expired, unused tickets, those methods may be used in lieu of the procedures in § 101-41.210-5a

§ 101-41.210-5d Agency recovery of carrier refunds sent directly to GSA.

To recover carrier refunds sent directly to GSA (BWCA), agencies must forward either an SF 1080, Voucher for Transfer Between Appropriations and/or Funds, or SF 1081, Voucher and Schedule of Withdrawals and Credits, to the General Services Administration (BWCA). Included on these forms must be the name of the carrier, carrier check number, date, and amount of check, (obtained from carrier), as well as the GTR number and the appropriation number to be credited. Agency refund requests should be sent promptly to GSA (BWCA). Refunds from carriers which are not identified and claimed by agencies within 300 days after receipt by GSA (BWCA) will be returned to the U. S. Treasury as miscellaneous receipts.

§ 101-41.210-6 Refund procedures covering unused transportation services billed by foreign-flag carriers.

(a) Standard Form 1170 and related procedures shall not be used or considered applicable when unused passenger transportation services billed by

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foreign-flag carriers are involved, except for:

- (1) Canadian or Mexican carriers; or
- (2) Foreign-flag carriers maintaining billing offices in the United States.

(b) Agencies shall institute procedures to effect recoveries for such unused services by deduction or setoff from the foreign-flag carriers' unpaid bills. Both agencies and travelers in foreign areas shall be kept informed of local regulations and requirements to ensure that the interests of the United States will be protected.

(c) Adjustments for unfurnished transportation services not reported on SF 1170 but made by deduction or setoff shall be noted on the deduction voucher with a full description of each unused ticket or portion thereof. Reference shall also be made to the transportation request number and the disbursing office (D.O.) voucher number, the D.O. symbol number, and the date of the payment of the voucher on which the GTR was paid if other than the deduction voucher. The unused ticket or portion thereof shall be forwarded by the agency to the carrier and a copy of the transmittal letter shall be attached to the deduction voucher involved.

§ 101-41.211 Lost or stolen GTR's; lost Government excess baggage authorization/tickets (GEBAT).

§ 101-41.211-1 Reporting of GTR's lost or stolen before presentation to carrier.

A lost or stolen GTR shall be reported promptly in writing by the accountable person to the appropriate agency office. This report shall include a complete statement of facts. If the lost or stolen GTR shows the carrier that is to honor the GTR, service desired, and point of origin, the accountable person shall also notify promptly in writing the named carrier and other local initial carriers.

§ 101-41.211-2 Disposition of recovered GTR's previously reported lost or stolen

A GTR that has been reported as lost or stolen but that is subsequently recovered shall not be used to obtain transportation or accommodations. The recovered GTR, whether it is blank or partially or completely filled out, shall be returned promptly to the issuing officer who shall mark it "CANCELED" and forward it through appropriate channels to the office keeping the accountability records. The GSA General Records Schedule 9, Travel and Transportation Records, provides instructions for disposition of canceled GTR's (See § 101-11.404-2.)

§ 101-41.211-3 Billing charges for GTR's lost by carrier.

(a) When a carrier has lost or misplaced a GTR, it shall bill the charges for the services furnished on a SF 1113, Public Voucher for Transportation Charges, annotated with the following signed certification: "I certify that all U. S. Government Transportation Requests (GTR's) honored by the above-named carrier or travel agent pass into my office; that ticket(s) (form and ticket number(s)), value of ticket(s), accommodations (number and type), points of travel (from and to) annotated below was (were) furnished in exchange for the specified GTR; that the stated value(s) is (are) true and correct; that the said GTR has been lost or misplaced and cannot be located; that the honoring carrier has not received payment for services rendered there under, and that, if the said GTR is later found, it will be marked "Canceled---'Certification in Lieu Issued' and transmitted to the General Services Administration (BWAA/C), Washington, DC 20405, and no claim made thereon." Copy/copies of ticket coupon(s), with the GTR number visible, will be attached in support of the SF 1113. A statement of any other pertinent facts and circumstances should be included. Each lost or misplaced GTR shall be billed on a separate SF 1113 to be distinguished from charges applicable to other GTR's. (See § 101-41.214 for billing of transportation charges.)

(b) Disbursing offices shall certify on the SF 1113 that the services specified thereon have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment. The carrier may transmit its bill (SF 1113 with certification) to the General Services

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Administration (BWCA), Washington, DC 20405, if the paying agency is unknown.

§ 101-41.211-4 Disposition of GTR's previously certified lost by carrier.

An original GTR that is located after payment has been made under § 101-41.211-3 shall be forwarded promptly to the General Services Administration (BWAA/C), Washington, DC 20405, together with a reference to the carrier's bill on which charges for the lost GTR were paid.

§ 101-41.211-5 Billing charges for air excess baggage coupons lost by carrier.

(a) When a carrier has lost or misplaced its flight coupon copy of the GEBAT covering the air carriage of excess baggage, it shall bill the charges on an SF 1113 annotated with the following signed certification: "I certify that all GEBATS honored by the above-named carrier or travel agent pass into my office; that the authorizing GTR(s) (number(s)), applicable passenger ticket(s) (number(s)), name of traveler(s), weight or number of pieces of excess baggage authorized and carried, points between which service was authorized and rendered, and all other information pertinent to the transaction annotated below was (were) furnished in exchange for the specific GEBAT; that the stated value(s) is (are) true and correct; that the said GEBAT has been lost or misplaced and cannot be located; that the honoring carrier has not received payment for services rendered thereunder, and that, if the said GEBAT is later found, it will be marked 'Canceled-Certification in Lieu Issued' and transmitted to the General Services Administration (BWAA/C), Washington, DC 20405, and no claim made thereon." The disbursing officer shall certify on the SF 1113 that the services specified therein have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment.

(b) Excess baggage charges supported by a certified statement instead of a lost GEBAT shall be billed separately from other types of transportation charges. Where the paying agency cannot be determined, the carrier may submit its bill to the General Services Administration (BWCA), Washington, DC 20405, for forwarding to the responsible agency.

(c) An original GEBAT that is located after issuance of the certified statement instead of the lost GEBAT, together with a reference to the carrier's bill on which charges for the lost GEBAT were paid, shall be forwarded promptly to GSA (BWAA/C).

§ 101-41.212 Accountability for tickets or coupons.

Federal agencies shall maintain adequate accounting and administrative control, including individual accountability, of tickets and other transportation documents received in exchange for GTR's or other procuring instruments. Agency regulations should caution travelers and other accountable persons that failure to account for these documents may result in personal liability.

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(AMENDMENT G-70, DECEMBER 1984)**

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§ 101-41.213 Carrier entries on GTR's.

(a) The boxed section on the face of the GTR captioned "For Carrier Use Only" is reserved for the recording of proper data by the ticket agent and auditor of the billing carrier.

(1) In the "Form and Ticket No." space, the ticket agent shall enter the ticket number and type of ticket furnished in exchange for the GTR.

(2) In the "Agent's Value" space, the ticket agent shall enter the cost of the transportation services furnished. Any accommodation charge or other supplementary service such as extra fare or excess baggage shall be listed separately and not included in the amount of the regular transportation charge.

(3) In the "Auditor's Value" space, the carrier audit officer shall enter the charges as specified in paragraph (a) (2) of this § 101-41.213 for the "Agent's Value."

(b) On the reverse side of the GTR, the carrier's ticket agent shall show the date travel commenced so that tariff applicability may be determined.

§ 101-41.214 Billing and payment of passenger transportation charges.**§ 101-41.214-1 Carrier billing form.**

Carrier charges for transportation services furnished for the account of the United States shall be billed on SF 1113. The bill, plus one memorandum copy (SF 1113-A), shall be submitted to the billing office specified on the GTR. Carrier bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101-41.4. Charges for passenger transportation services shall be billed separately from freight transportation charges.

§ 101-41.214-2 Factual support of charges billed.

(a) Documentary evidence of facts other than those shown on the GTR or other authorized procurement document, necessary to support or explain charges billed shall refer to the number of the GTR or other document involved, be associated therewith, and made a part of the billing record. Certifications or affidavits, section 10721 quotations, charter orders, air ferry or live mileage supports, bus deadhead mileage supports, transfer checks, and authorizations are examples of such documents.

(b) The pertinent excess baggage coupon from the GEBAT set shall be furnished in support of charges billed for the air excess baggage service furnished for each portion of a journey.

(c) Each bill submitted by a carrier for the payment of charges for Government-financed passenger transportation services involving, in whole or in part, the use of a foreign-flag air carrier or vessel shall be supported by a certification explaining the nonavailability of U. S.-flag service, which shall be signed by the traveler or other responsible official of the agency authorizing such use. (See 4 CFR 52.2.)

§ 101-41.214-3 Carrier machine punching on GTR's.

Carriers using 80-column tabulating equipment have the option of keypunching certain information in the GTR's. Carriers electing to punch the GTR must punch all information in fields 1-20 as specified below. Fields 21-25 are for optional use by carriers. No other card fields may be used.

Fields	Information
1-5	Carrier's code number as published in the Continental Directory of Standard Carrier Alpha Codes (SCAC) and Standard Tariff Agents Codes. Inquiries shall be addressed to the NMFTA Tariff Research Section, ATA Building, 1616 P Street NW., Washington, D.C. 20036.
6-10	Carrier's bill number.
11-15	Total amount or transportation charges.
19-20	Federal account (appropriation) symbol. (To be obtained from the Department of the Treasury annual publication "Federal Account Symbols and Titles.")
21-25	Carrier's optional in-house code.

§ 101-41.214-4 Carrier notations on GTR's.

Unnecessary notations should not be inserted on the GTR during audit by the carrier since it is essential that the GTR show transactions only between travelers and carrier agents. This should not

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be construed, however, as prohibiting mechanized interpretation in the designated spaces of the GTR or other desirable information notations.

§ 101-41.214-5 Preparation of carrier billing form.

(a) Instructions for the preparation of Standard Form 1113. Public Voucher for Transportation Charges, are furnished in the GSA guide "How to Prepare and Process U. S. Government Transportation Requests" (national stock number 7610-01-038-1389). Agencies may obtain this guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies are also available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.

(b) The billing carrier shall list the serial numbers of all accompanying GTR's on the face of the SF 1113, show the charge applicable to each GTR in the amount column, and complete the column with the total charge. As many GTR's as may be itemized in a single column shall be included on the SF 1113 when the charges are being billed to the same office; however, billings for air excess baggage charges shall be restricted to no more than three GTR's per SF 1113.

(c) The carrier shall complete the "Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initialed by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official. The carrier shall complete the tear-off portion of the SF 1113 and shall not substitute a memorandum copy (SF 1113-A) for the tear-off portion.

(d) Each carrier shall insert in the appropriate block on SF 1113 (and SF 1113-A), the Standard Carrier Alpha Code (SCAC) assigned to that carrier in the National Motor Freight Traffic Association, Inc., Agent, Directory of Standard Multi-Modal Carrier and Tariff Agents Codes (SCAC and STAC), ICC NMF 101-C, applicable supplements thereto, or subsequent reissues thereof.

§ 101-41.214-6 Submission of carrier bills with supporting data.

GTR's being submitted for payment and any appropriately referenced documentation shall be placed in an envelope which shall be securely attached to the covering SF 1113. GTR's must not be folded, stapled, spindled, or mutilated.

§ 101-41.214-7 Cross-reference on billings for additional or supplemental services.

Vouchers supported by GTR's which extend or supplement services covered by other GTR's shall be endorsed by the paying office or issuing agency to show the disbursing office (D. O.) voucher number, date of payment, and D. O. symbol number of the prior payment. Vouchers covering air excess baggage charges need not be so endorsed.

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-60, FEBRUARY 1983)**

4102.12

Subpart 101-41.3---Freight Transportation Services Furnished for the Account of the United States.

§ 101-41.300 Scope and applicability of subpart.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for freight or express transportation services for the account of the United States.

§ 101-41.301 [Reserved]

§ 101-41.302 Standard forms relating to shipment, transportation, and delivery of property.

(a) The standard forms in this subpart are prescribed to accomplish the shipment, transportation, and delivery of all property, except as covered in § 101-41.304 of this subpart, by transportation companies for the account of the United States and the billing and payment of charges therefor.

(b) This subpart further authorizes the use of Standard Form 1203, U. S. Government Bill of Lading-Privately Owned Personal Property, when shipping privately owned personal property, unaccompanied baggage, and mobile homes for the account of the United States, its use is mandatory for the Department of Defense and optional on the part of other Federal agencies.

§ 101-41.302-1 Listing of forms.

- (a) SP 1103, U. S. Government Bill of Lading (Original).
- (b) SF 1103-A, U. S. Government Bill of Lading (Memorandum Copy).
- (c) SF 1103-B, U. S. Government Bill of Lading (Memorandum Copy--Consignee).
- (d) SF 1104, U. S. Government Bill of Lading (Shipping Order).
- (e) SF 1105, U. S. Government Freight Waybill (Original).
- (f) SF 1106, U. S. Government Freight Waybill (Carrier's Copy).
- (g) SF 1109, U. S. Government Bill of Lading Continuation Sheet (Original).
- (h) SF 1109-A, U. S. Government Bill of Lading Continuation Sheet (Memorandum Copy).
- (i) SF 1109-B, U. S. Government Bill of Lading Continuation Sheet (Memorandum Copy--Consignee).
- (j) SF 1110, U. S. Government Bill of Lading Continuation Sheet (Shipping Order).
- (k) SF 1111, U. S. Government Freight Waybill Continuation Sheet (Original).
- (l) SF 1112, U. S. Government Freight Waybill Continuation Sheet (Carrier's Copy).
- (m) SF 1113, Public Voucher for Transportation Charges (Original).
- (n) SF 1113-A, Public Voucher for Transportation Charges (Memorandum Copy).
- (o)-(t) [Reserved].
- (u) SF 1203, U. S. Government Bill of Lading--Privately Owned Personal Property (Original).
- (v) SF 1203-A, U. S. Government Bill of Lading--Privately Owned Personal Property (Memorandum Copy).
- (w) SF 1203-B, U. S. Government Bill of Lading--Privately Owned Personal Property (Memorandum Copy--Consignee).
- (x) SF 1204, U. S. Government Bill of Lading--Privately Owned Personal Property (Shipping Order).
- (y) SF 1205, U. S. Government Freight Waybill Privately Owned Personal Property (Original).
- (z) [Reserved]
- (aa) SF 1200, Government Bill of Lading Correction Notice.

§ 101-41.302-2 Description and distribution of bills of lading.

(a) The U. S. Government bill of lading (GBL) consists of six basic forms and is available in sets of seven or nine parts, depending on the number of memorandum copies needed. The sets are carbon-interleaved for simultaneous preparation. The GBL set is arranged in the following order.

(1) SF 1103 (original), which refers to Subpart 101-41.3 for the terms and conditions of the contract of transportation and contains both the description of the articles comprising the shipment and the certificate of delivery is given to the carrier upon tender of shipment for use as supporting documentation with the voucher covering the transportation charges involved.

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(2) SF 1104 (shipping order) is retained by the carrier's agent at the shipping point.

(3) SF 1103-A (memorandum copy) for use by the shipper for fiscal or administrative purposes.

(4) SF 1105 (freight waybill (original)) accompanies the shipment or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original GBL is lost.

(5) SF 1106 (freight waybill (carrier's copy)) is for disposition by the carrier.

(6) SF 1103-A (memorandum copy), of which there are two or four copies, is for use by the shipper for fiscal and administrative purposes.

(7) SF 1103-B (memorandum copy-consignee) is sent to the consignee immediately after surrender of the original to the initial carrier.

(b) [Reserved]

(c) The U. S. Government Bill of Lading-Privately Owned Personal Property (POPPGBL) is a seven-part form available in either snap-out or computer pin-feed formats. The sets are carbon interleaved for simultaneous preparation. The POPPGBL is arranged in the following order:

(1) SF 1203 (original) is given to the carrier upon tender of the shipment for use as supporting documentation and is to be submitted with the voucher covering the transportation charges involved.

(2) SF 1204 (shipping order) is retained by the carrier's agent at the shipping point.

(3) SF 1203-A (memorandum copy), one of three copies, for use by the shipper for fiscal or administrative purposes. The remaining two memorandum copies are behind the SF 1203-B.

(4) SF 1205 (freight waybill (original)) is given to the origin carrier and is either carried to destination or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original POPPGBL is lost or destroyed.

(5) SF 1203-B (memorandum copy-consignee) is given to the consignee (property owner) at time of pickup of the shipment.

(6) SF 1203-A (memorandum copy) same as (3).

(7) SF 1203-A (memorandum copy) same as (3).

(d) The GBL continuation sheets (SF 1109 through 1112) are also available in seven- or nine-part sets and are arranged in order corresponding to the GBL sets. The continuation sheets are for use with the regular GBL and the personal property GBL.

§ 101-41.302-3 Terms and conditions governing acceptance and use of GBL's.

(a) In no case shall prepayment of charges be demanded by the carrier nor collection be made from the consignee. The GBL, properly certified and attached to an SF 1113. Public Voucher for Transportation Charges, shall be presented to the paying office indicated in the "Bill Charges To" section on the face of the GBL for payment to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL;

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph (a) (1) of this section) in favor of the billing carrier;

(3) A carrier (as described in paragraph (a) (1) of this section) or its properly designated warehouse agent billing in the name of the carrier as authorized in § 101-41.309-2 dealing with certification of shipments in storage; or

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(4) An agent of the carrier or forwarder (as described in paragraphs (a) (1) or (a) (2) of this section):*Provided* , The bill is submitted in the name of the principal. The agent's mailing address may be shown on those bills, and the checks, drawn in the name of the principal, may be mailed to the agent.

(b) The GBL is subject to the same rules and conditions as govern shipments made on the usual commercial forms unless otherwise specifically provided or stated herein.

(c) The shipment made on the GBL shall take a rate no higher than that chargeable had the shipment been made on the uniform straight bill of lading, uniform express receipt, or any other form provided for commercial shipments.

(d) No charge shall be made by any carrier for the execution and presentation of a GBL in manner and form as provided in this Subpart 101-41.3.

(e) The shipment is made at the restricted or limited valuation specified in the tariff or classification or established under section 10721 of the Revised Interstate Commerce Act (49 U. S. C. 10721), formerly section 22 of the Interstate Commerce Act, or to another equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the GBL.

(f) Receipt for the shipment is subject to the consignee's annotation of loss, damage, or shrinkage on the delivering carrier's documents and the consignee's copy of the same documents. When loss or damage is not discovered until after delivery of shipment and receipt therefor, the consignee shall promptly notify, preferably by telephone, the nearest office of the last delivering carrier and extend to the carrier the privilege of examining the shipment.

(g) In case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments, as they relate to the period within which notice thereof shall be given the carrier or to the period within which claim therefor shall be made or suit instituted, shall not apply. Deletion of this item will be considered valid only with the written concurrence of the Government official responsible for making the shipment.

(h) Carrier's rights to shipping charges are not affected by facts set out in the issuing office section of the GBL.

(i) The nondiscrimination clauses contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated by reference in the GBL.

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§ 101-41.302-4 General instructions for the preparation of GBL's and common problem areas.

(a) *Availability of guide.* Instructions for the preparation of GBL's and related forms are furnished in the GSA guide "How to Prepare and Process U. S. Government Bills of Lading" (national stock number 7610-00-682-6740). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

(b) *Use of U. S.-flag carriers.* The use of U. S.-flag vessels by officers and employees of the United States for the transportation of their personal effects and the use of U. S.-flag certificated air carriers for any Government-financed movement of freight by air is required by statute (46 U. S. C. 1241 and 49 U. S. C. 1517) when such vessels and air carriers are available. Compliance with these statutes is required whether the United States pays the transportation charges to the carrier direct or through reimbursement of an individual or other entity. Uniform standards and procedures prescribed by the Comptroller General of the United States for guidance of all departments, agencies, officers, and employees of the United States; carriers; and others concerned, in conforming to these statutes are found in 4 CFR 52.2 and in various Comptroller General decisions.

(c) *Common problem areas.* (1) The "For Use of Billing Carrier Only" section is reserved for recording certain data by the accounting officer of the billing carrier and must not be covered by marks or writing by others handling the GBL. This boxed section on the memorandum copies of the GBL form is available to the issuing officer for showing estimated transportation charges and such accounting classifications as may be required.

(2) The issuing office shall complete the "For Use of Issuing Office" section of the GBL, including any GBL to be used by a contractor as shipper. Failure of the issuing office to show the date and number of the contract, purchase order, or other authority for the shipment and failure to show the f.o.b. point named therein may result in a carrier's refusal to accept the shipment from the contractor-shipper. Accountability for GBL's used by a contractor-shipper remains with the issuing office. Thus the name and title of the issuing officer and the name and address of the issuing office, rather than those of the contractor-shipper, must appear on the GBL.

(3) Erasures, interlineations, or alterations in GBL's must be authenticated and explained by the person who made them.

(4) Subpart 101-40.7 provides a uniform system and forms for agency documentation of discrepancies or deficiencies incurred in shipments of materials to enable initiation and processing of claims against carriers for loss and damage, shortages, and the disposition of overages.

§ 101-41.302-5 Pickup and delivery services.

(a) Pertinent sections on the GBL indicating that the carrier furnished pickup service at origin shall be completed and initialed by the shipper or shipper's agent, in certain instances the tariff covering this service provides charges that are in addition to the line-haul rate or charges.

(b) When a shipper or consignee so requests and if the carrier furnishes delivery service at destination in connection with a less-than-carload or an any-quantity rail shipment or on shipments by other modes of transportation, the carrier shall check the appropriate box in the "Certificate of Carrier Billing" section on the GBL.

§ 101-41.302-6 Special services.

(a) Additional information or facts necessary to support higher charges resulting from accessorial or special services ordered and furnished incident to the line-haul transportation shall be inscribed on the face of the GBL in the section designated "Marks and Annotations" or on the reverse side of the GBL beneath the caption "Special

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Services Ordered." The inscription shall contain the name of the carrier upon whom the request was made and the kind and scope of services ordered and shall be signed, by or for the person ordering the services. If such an inscription is impractical, a statement containing the information and bearing the number of the covering GBL and signed by or for the person who ordered the services will be acceptable.

(b) When the GBL is not available, the original and one copy of the statement shall be given to the carrier from whom the services were ordered. The original shall be transmitted to the billing carrier for presentation with the bill for all transportation charges.

(c) When accessorial or special services are requested but not furnished, the GBL shall be so annotated by the carrier.

§ 101-41.302-7 GBL correction notice.

SF 1200 is used to alter or correct the GBL and the personal property GBL. It is a single sheet form, and the number of copies to be prepared and distributed will be a matter for each Federal agency to establish. Recipients of a correction notice will alter or correct the GBL as indicated on the notice and attach the form to the GBL. Preparation of SF 1200 is not required when alterations or corrections are made prior to the distribution of the GBL. The form is not subject to the provisions of the Paperwork Reduction Act of 1980 (94 Stat. 2812, 44 U. S. C. Chapter 35).

§ 101-41.303 Conversion of commercial bills of lading to GBL's.

§ 101-41.303-1 Necessity for conversion.

GBL procedures shall be followed to preclude a commercial bill of lading or a commercial express receipt from being used on shipments for the United States, except as provided by law or by this Subpart 101-41.3 or by a specific exception to this subpart. Payment of the transportation charges generally will not be made by the Government on such commercial documents alone. However, when a commercial bill of lading or commercial express receipt is unavoidably used on a shipment of property for the account of the United States under circumstances not authorized herein, the words "TO BE CONVERTED TO A U. S. Government BILL OF LADING" must be conspicuously inscribed on the original and all copies of the commercial document.

§ 101-41.303-2 Conversion of commercial bills of lading..

(a) A commercial bill of lading or a commercial express receipt may be converted to a GBL by either of the following procedures:

(1) When the origin carrier requires the original commercial document, the shipper shall surrender it to the initial carrier's agent for his certification as follows:

INITIAL CARRIER'S AGENT, BY SIGNATURE BELOW, CERTIFIES THAT HE RECEIVED THE ORIGINAL OF THIS DOCUMENT

The certification shall be written on the original and all copies of the commercial bill of lading or commercial express receipt, and a memorandum copy thereof shall be returned to the shipper for forwarding to the authorizing agency. The authorizing agency receiving the properly certified memorandum copy of the commercial bill of lading or commercial express receipt shall issue or cause to be issued a GBL, forward the GBL promptly to the origin carrier for transmittal to the billing carrier, and retain the memorandum copy of the commercial document. The billing carrier, having received both the original commercial document and the GBL from the origin carrier, shall execute the "Certificate of Carrier Billing" on the GBL, cross-reference both original documents, securely attach them together, and use the documents to support its billing.

(2) When the origin carrier does not require the original commercial document, the shipper shall obtain the signature of the origin carrier's agent on the original and all copies and immediately forward the original to the agency that authorized the shipment. The authorizing agency shall issue or cause to be issued a GBL for the shipment involved. The original commercial document and the issued GBL, properly cross-reference and securely attached together, shall then be forwarded to the origin carrier for transmittal to the billing carrier for execution of the "Certificate of Carrier Billing" and preparation of the SF 1113.

(b) The signature of the initial carrier's agent shall not be required on GBL's converted from commercial documents when it appears on the commercial documents attached thereto.

§ 101-41.303-3 Lost commercial bills of lading.

(a) When the original commercial bill of lading or commercial express receipt has been lost or destroyed and therefore is not available to the billing carrier, the shipper or origin carrier possessing an authentic copy of the commercial document may have it converted to a GBL by the agency that authorized the shipment.

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(b) The issuing office shall, before releasing the copy of the commercial document from which conversion is made, reproduce two additional copies of the authentic copy of the commercial document: One to be retained for its records and the other to be forwarded to the agency's paying office.

(c) The issuing office shall forward the copy of the commercial document and the issued GBL, each properly cross-referenced and securely attached together, to the origin carrier for transmittal to the billing carrier which shall execute the carrier's certificate and use the two documents as support for its bill for the charges.

(d) Each agency and department shall develop procedures and controls to preclude more than one GBL being issued for the same shipment and to preclude duplicate payment of the transportation charges involved.

§ 101-41.303-4 Lost original commercial bills of lading subsequently recovered.

When the original commercial bill of lading or commercial express receipt is recovered after conversion of an authentic copy of the commercial document to a GBL, the original commercial document shall be forwarded to the paying office of the agency concerned, with an appropriate reference to the previous conversion. If the transportation charges on the GBL converted from the copy of the commercial document have already been paid, the recovered original commercial bill of lading or commercial express receipt shall be marked "VOID"; annotated with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and payment date; and transmitted to the General Services Administration (BWAA/C), Washington, DC 20405.

§ 101-41.304 Exception to the use of GBL's.

§ 101-41.304-1 Local storage, drayage, and haulage.

GBL's shall not be used when local storage, drayage, and hauling services are procured by contract. They may be used, however, when such services are provided for in established tariffs, schedules, or tenders.

§ 101-41.304-2 Limited authority to use commercial forms and procedures.

(a) *Discretionary authority to approve use of commercial forms and procedures.* Subject to the limitations in paragraph (b) of this section, the head of an agency or his designee may elect to use commercial bills of lading or commercial express receipts and commercial procedures, rather than the regular GBL and related procedures, to procure freight or express transportation services for certain small shipments. This discretionary authority is directed generally toward those situations involving shipments of a recurring nature where it is cumbersome and impractical to issue GBL's. In implementing this small shipment procedure, agencies shall adhere to the restrictions on the use of foreign-flag carriers as set forth in § 101-41.302-4(b).

(b) *Limitations on use of commercial forms and procedures.* The use of commercial forms and procedures for small shipments is subject to the limitations and instructions set forth in paragraphs (b)(1) through (b) (4) of this section.

(1) Upon determination that commercial forms and procedures are to be used, the agency shall establish administrative regulations and procedures clearly defining the particular shipping circumstances and conditions for their use. Notice of adoption and of any subsequent cancellation of the small shipment procedure prescribed in this § 101-41.304-2 shall be sent to the General Services Administration (BWCP), Washington, DC 20405.

(2) The use of commercial forms and procedures for small shipments, as prescribed in § 101-41.304-2, shall be optional on the part of carriers and forwarders. However, a letter of agreement signifying acceptance of the arrangements must be executed and filed with the participating agency by the carrier or forwarder. That letter shall include the following provision:

The shipments covered by this agreement are subject to the terms and conditions (except as to billing carrier and prepayment) set forth in Standard Form 1103, U. S. Government Bill of Lading, and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on U. S. Government bills of lading.

The letter of agreement also shall include, where applicable, the carrier's concurrence in the use of cash for payment of transportation charges for these

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shipments as set forth in paragraph (d) (3) of this section.

(3) The commercial forms and procedures authorized in § 101-41.304-2 are to be applied only to the following types of shipments:

(i) Shipments for which the transportation charges ordinarily do not exceed \$100 per shipment and the occasional exception does not exceed that monetary limitation by an unreasonable amount.

(ii) Single-parcel shipments via express, courier, small package, or similar carriers, without regard to shipping cost, if the parcel shipped weighs 70 pounds or less and does not exceed 108 inches in length and girth combined.

(iii) Multi-parcel shipments via express, courier, small package, or similar carriers for which the transportation charges do not exceed \$250 per shipment.

(4) Commercial forms and procedures shall not be used for household goods van shipments.

(c) *Billing of charges for transportation services furnished on commercial forms.* Charges for transportation services furnished under commercial documentation, as authorized by this § 101-41.304-2, shall be billed by and paid to the origin carrier or forwarder and may not be waived to any other carrier or forwarder. Also, these charges shall be billed on the commercial forms customarily used by carriers, rather than on the SF 1113, in order to clearly identify the bills as commercial-type shipments.

(d) *Payment of charges for transportation services procured on commercial forms.* (1) Payment of charges for transportation furnished under the commercial forms and procedures authorized herein are subject to the standards set forth in Subpart 101-41.4.

(2) Payment of charges for transportation services procured on commercial forms as prescribed in § 101-41.304-2 may be made prior to or upon completion of service and at either origin or destination only upon presentation by the origin carrier or forwarder of the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payment made for any service not received as ordered by the United States. The commercial document shall be clearly annotated to indicate the point at which payment shall be made. Further, regarding shipments paid at origin, the consignee or receiver of a shipment not delivered in good order shall notify the shipper so that proper claim action may be initiated.

(3) Payment may be made in cash from imprest funds at the option of the agency but only with the concurrence of the carrier or forwarder. Imprest fund disbursements, forms, and accountability for the transportation transactions specified herein shall be made in accordance with paragraph (d) (2) of this section and the regulations of the General Accounting Office relating to imprest funds.

(4) All payments, including supplemental payments, are subject to otherwise applicable statutory limitations.

(e) *Administrative procedures for processing vouchers covering small shipments on commercial forms.*

(1) The disbursing forms and documentation prescribed by the Department of the Treasury shall be used for commercial-type billings. Agencies shall not classify these paid bills as transportation vouchers for submission to GSA for postpayment audit but shall retain them in file for site audit.

(2) Supplemental transportation claims arising after payment of the original bills should ordinarily be settled by agencies direct with the carriers. However, claims involving a doubtful question of fact or law, or a question regarding the amounts properly due, may be forwarded to GSA (BWCA) for direct settlement as prescribed in Subpart 101-41.6. The complete record shall be furnished including a reference to the appropriation or fund to be charged.

(3) Each agency shall establish adequate procedures and controls to prevent and detect duplicate payments,

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properly account for expenditures, and require notice from the consignee when a discrepancy in shipment occurs. Agencies may prescribe the use of statistical sampling procedures in accordance with General Accounting Office regulations, for examining and approving those disbursement vouchers.

§ 101-41.305 Procedures governing shipments accorded transit privileges.

§ 101-41.305-1 General instructions for preparing GBL's involving transit.

Availability of guide. Instructions necessary to provide carriers with inbound transit information are furnished in the GSA guide "How to Prepare and Process U. S. Government Bills of Lading" (national stock number 7610-00-682-6740). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Transit information previously entered on obsolete Forms SF 1131 through SF 1134 (transit GBL) must now be entered on the regular GBL.

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§ 101-41.305-2 Transit records, processing and distribution.

(a) *Section 10721 quotation and tariff requirements.* Transit shipments shall be handled in accordance with the provisions of the applicable quotations issued under section 10721 of the Revised Interstate Commerce Act (49 U. S. C. 10721), formerly section 22 of the Interstate Commerce Act, or the provisions of the carriers' tariffs providing the transit privileges.

(b) *Application of transit tonnage.* Inbound transit information shall be provided in the "Description of Articles" block of the GBL or, lacking space, on a U. S. Government Bill of Lading continuation sheet which is to be attached to the GBL.

(c) *Furnishing transit certificates.* Transit certificates (record of transit tonnage and application) need not be prepared and furnished to GSA (BWAA/C) when the paying office normally verifies or enters the inbound billing information in the "Description of Articles" block of the GBL. If the paying office does not verify or provide inbound billing information, the certificates shall be furnished to General Services Administration (BWAA/C). Washington, D.C. 20405, as follows:

- (1) One copy promptly after recording the inbound tonnage information, and
- (2) One copy promptly after recording the information on reshipment partial reshipment, or cancellation.

§ 101.41.305-3 GBL's covering free or surrendered transit.

A GBL covering free or surrendered transit is issued for use with an outbound shipment from the transit installation where the line-haul charge to the transit installation equals or exceeds the through transportation charge plus the transit charge. After completing the "Certificate of Carrier Billing" section of the GBL covering free transit, the billing carrier shall attach the GBL to an SF 1113 bearing the carrier's bill number and submit both forms to the paying office of the agency concerned with a check for any amount due the United States.

§ 101-41.305-4 Billing for transit shipment.

A separate SF 1113 with the word "TRANSIT" typed immediately beneath the caption "ALPHA PREFIX AND SERIAL NO. OF SUBVOUCHER" shall be prepared for each GBL covering a transit shipment.

§ 101-41.305-5 Paying office action on transit billings.

The paying office shall verify and, if necessary, correct the transit information shown on the GBL. When the required transit information is not shown, the paying office shall enter the following information in the "Description of Articles" block of the GBL, or on a GBL continuation sheet, under a heading "TRANSIT RESHIPING CERTIFICATE-INBOUND BILLING REFERENCES": the disbursing office (D.O.) voucher number, bureau voucher number, if any, the date of payment, and the D.O. symbol number of the inbound billing, before forwarding the SF 1113 and a notice of any refunds to GSA BWAA/C. Vouchers with the accompanying GBL covering free or surrendered transit shall be transmitted to GSA (BWAA/C) separate from other types of transportation vouchers.

§ 101-41.306 Disposition of GBL forms upon delivery of property to carrier for shipment.

(a) The shipper (issuing officer or contractor) shall surrender the original GBL, shipping order, freight waybill (original), freight waybill (carrier's copy), and comparable copies from continuation sheets, if any, to the initial carrier's agent at the time the shipment is tendered. The carrier's agent shall acknowledge receipt of the shipment and of the original GBL and copies by inserting in the designated spaces on the lower left side of the original GBL and on all copies of the GBL the pickup date and his signature. The initials of the agent's representative shall be entered under the "Per" heading if appropriate.

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(b) The issuing office shall retain a certified memorandum copy; i.e., the issuing office copy (SF 1103-A and SF 1109-A, if any), and sent the consignee copy (SF 1103-B and SF 1109-B, if any) to the consignee. A contractor acting as shipper shall retain one certified memorandum copy, forward one copy to the issuing office, and send the consignee copy to the consignee.

(c) On local or single-line movements, the carrier shall retain the original GBL for use as support for billing of charges after properly executing the "Certificate of Carrier Billing." On interline or intermodal movements, except those falling under the procedures in § 101-41.312, the origin and the interline carriers shall transmit the original GBL to the last line-haul carrier authorized to bill the charges for execution of the "Certificate of Carrier Billing" on the basis of the delivery documents and for billing of the charges. Carriers must not delay movement or delivery of Government shipments because they have not received the original GBL from the origin or interline carriers.

§ 101-41.307 Lost GBL's.

§ 101-41.307-1 Substitute document.

When the original GBL (SF 1103) or original personal property GBL (SF 1203) is lost or destroyed, the billing carrier must use the freight waybill (original) (SF 1105 or SF 1205), properly certified by the carrier, as a substitute document for billing charges. Execution of the "Certification of Carrier Billing" on the substitute document is not required for charges billed under the exception procedures in § 101-41.312.

§ 101-41.307-2 Certification of substitute document.

The billing carrier shall enter on the reverse side of the substitute document a properly executed certificate of delivery showing all information required in the "Certificate of Carrier".

§ 101-41.307-3 Payment of substitute documents.

SF 1105 and SF 1205 documents certified in accordance with procedures in § 101-41.307-2 may be construed as doubtful claims and payment delayed (as set forth in § 101-41.604-2(b)(6)) until certifying officers verify that transportation bills associated with these forms have not previously been paid.

§ 101-41.307-4 Lost original GBL's recovered before settlement.

When a lost original GBL is recovered by either the Government or the carrier before settlement is effected on the basis of the substitute freight waybill, the original GBL shall be used for payment of the transportation charges. The substitute freight waybill shall be marked "CANCELED--ORIGINAL BILL OF LADING LOCATED" and returned to the issuing office for correction of its GBL accountability records and for notification to the payment office concerned that payment shall be made on the original GBL.

§ 101-41.307-5 Lost original GBL's recovered after settlement.

When a lost original GBL is recovered, after settlement is effected on the basis of the freight waybill, the original GBL shall be forwarded to the paying office of the agency concerned for cancellation. The original GBL shall be inscribed with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and the payment date of the freight waybill settlement voucher and shall be forwarded to GSA (BWAA/C).

§ 101-41.307-6 Lost GBL's and freight waybills (original).

When SF 1103 or SF 1203 and the original freight waybill (SF 1105 or SF 1205) are lost or destroyed, the carrier shall request from the issuing office a certified true copy of that office's memorandum copy (SF 1103-A or SF 1203 A) of the GBL. The issuing office shall make its certification regarding the services requested on the reverse of that copy and forward it to the carrier for certification of delivery and billing. The issuing office shall enter each certification of a substitute document in its GBL accountability record. Execution of the carrier's certificate of delivery on the substitute document is not required for charges billed under the exception procedures in § 101-41.312. If the lost GBL (original), personal property GBL (original), or freight waybill (original) is recovered, procedures in §§ 101-41.307-4 and 101-41.307-5, as applicable, shall be followed.

§ 101-41.308 Accountability for GBL's**§ 101-41.308-1 Agency control.**

Agencies shall maintain accountability records and physical control of GBL stock. Employees responsible for the issuance and use of GBL forms shall be held accountable for their disposition. GBL forms generally are serially numbered at the time of printing; no other numbering of the forms, including additions or changes to the prefixes or additions of suffixes, is permitted.

(a) Regular GBL assemblies are sequentially numbered with seven digits and an alphabetical prefix; e.g., A-0,000,001 through A-9,999,999, progressing to B, then C, etc.

(b) The personal property GBL assemblies are sequentially numbered with six digits and a two-letter prefix, the second of which is always P; e.g., AP-000,001 through AP-999,999, then BP, CP, etc.

§ 101-41.308-2 Disposition of unused GBL's.

GBL forms spoiled in preparation, prepared for issuance but not used, or unusable for any other reason shall be canceled and returned to the accountable office. Those forms shall be disposed of in accordance with General Records Schedule 9, Travel and Transportation Records. (See § 101-11.404-2.)

§ 101-41.309 Factual support of charges.**§ 101-41.309-1 International shipments.**

(a) *International ocean shipments.* Each bill submitted by a freight or household goods forwarder for the payment of transportation charges for the overseas movement of personal property (including household goods, personal effects, and, for civil agencies, privately owned vehicles) shall be supported by a copy of the ocean freight bill along with the GBL. Also, each bill submitted by an ocean carrier or freight forwarder for the payment of charges for the transportation of personal effects of officers and employees of the United States, furnished in whole or in part by a foreign-flag carrier, shall be supported by the authorizing official's certification of the necessity for the use of the foreign-flag carrier. (See 4 CFR 52.2.)

(b) *International air shipments.* (1) Each bill for the payment of international air freight transportation charges not involving the use of foreign-flag carriers shall be supported:

(i) For air carriers, with a carrier's certification that only U. S.-flag service was used or, in the absence of such certification, with a copy of the air waybill or manifest showing the underlying carriers utilized, and

(ii) For air freight forwarders, with a copy of the air waybill or manifest.

(2) Each bill submitted by an air carrier or air freight forwarder for the payment of international air freight transportation charges involving, in whole or in part, the use of foreign-flag carriers shall be supported by:

(i) A copy of the air waybill or manifest showing the underlying carriers utilized, and

(ii) A certification, adequately explaining the nonavailability of U. S.-flag service, signed by the responsible official of the authorizing agency or the carrier having knowledge of the facts concerning such usage.

§ 101-41.309-2 Motor carrier or freight forwarder destination storage in transit of household goods or mobile dwellings.

This § 101-41.309-2 applies only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on GBL's. (See 49 CFR 1056.26 concerning collection of freight charges on household goods shipments involving loss or destruction in transit.)

(a) *Definition of carrier.* The term "carrier" as used in this section includes a motor carrier or a freight forwarder authorized by certificate or permit to operate as such in intrastate or interstate commerce.

(b) *Certifications.*

(1) Household goods or a mobile dwelling (including house trailer) shipped for the account of the United States may be placed in storage at destination for the account of the line-haul carrier and for ultimate delivery to the consignee or owner. Charges for transportation services from the point of pickup to the point of storage are payable to the delivering carrier, provided the covering GBL has been duly certified by the carrier's agent to show the following:

(i) The described household goods were placed in

storage in _____ at _____ on _____
(Name of destination warehouse) (City and State) (Date)

or

the described mobile dwelling (or house trailer) was placed in destination storage at _____ on _____
(Name and location of designated facility) (Date)

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(ii) Such shipment will be permitted to remain there for a period of ____ days or such shorter period as may meet the demand of the consignee or the property owner or the authorized agent of either;

(iii) The carrier transporting the shipment to the destination storage point assumes full carrier liability for the shipment during storage and until delivery to the property owner or his authorized agent within the designated storage period; and

(iv) Any payment to the carrier for transportation service from point of pickup to the point of destination storage is dependent upon ultimate delivery to the property owner or his authorized agent. The carrier agrees to return all or a portion of the payment to the United States when delivery to the property owner or his authorized agent cannot be accomplished because of complete or partial loss of the shipment within the Government-authorized storage period.

(2) If space for certification on the GBL is insufficient, the above certificate of liability, printed on plain paper and making reference to the GBL number, shall be attached to the GBL.

(3) The certificate may include a statement designating the warehouseman as an agent of the carrier with authority to receive payment in the name of the line-haul carrier for all storage-in-transit, delivery-out, and other applicable charges. A signed copy of the certificate shall be attached to the supplemental bill for such authorized billing. The supplemental bill, however, need not bear the carrier's original bill number.

(c) Supplemental billing for accessorial charges, Standard Form 1113, Public Voucher for Transportation Charges, bearing the same bill number as the linehaul carrier's original bill plus a letter suffix; e.g., 12345-A, shall be used to bill any accessorial charges accruing at the point of destination not included in the linehaul carrier's original billing. The voucher shall identify the bill of lading and tariff or quotation authority for the accessorial charges. The voucher shall be supported by the following:

(1) A statement of services ordered and furnished, signed by or for the person who ordered the accessorial services;

(2) A statement signed by the property owner or his authorized agent, certifying receipt of the property at his residence and listing any loss or damage;

(3) A copy of the bill of lading bearing the fund citation; and,

(4) A copy of the original SF 1113, Public Voucher for Transportation Charges, which was submitted by the linehaul carrier.

The originals of those statements listed in items 1 and 2 shall be used as support for accessorial charges.

§ 101-41.310 Billing and payment of freight and express transportation charges.

§ 101-41.310-1 Carrier billing forms.

Charges for freight or express transportation services furnished for the account of the United States, except those furnished under procedures set forth in § 101-41.304 of this subpart, shall be billed on SF 1113. Carrier bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101-41.4 of this part. Charges for freight or express transportations services shall be billed separately from passenger transportation charges. The SF 1113 (original) and one SF 1113-A (memorandum copy) shall be submitted to the billing office specified on the GBL. The carrier shall not be required to furnish more than one memorandum copy to the agency billed unless otherwise specifically authorized in advance by GSA. Also, a memorandum copy (SF 1113-A) shall not be substituted for the tear-off slip which shall be properly executed by the carrier preparing the SF 1113.

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§ 101-41.310-2 Preparation of carrier billing forms.

(a) Instructions for the preparation of SF 113, Public Voucher for Transportation Charges, are furnished in the GSA guide "How to Prepare and Process U. S. Government Bills of Lading" (national stock number 7610-00-682-6740). Agencies may obtain copies of this guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting

(b) The voucher format provides space for listing the complete serial number and amount of each attached subvoucher; e.g., GBL, but does not necessarily require descriptive details of services furnished. Each voucher generally could include as many subvouchers as can be listed when charges are billed to the same paying office, except as provided in §§ 101-41.305-3, 101-41.305-4, and 101-41.310-3.

(c) The carrier shall complete the Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initiated by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official.

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(d) Each carrier shall insert in the appropriate block on SF 1113 (and SF 1113-A). the Standard Carrier Alpha Code (SCAC) assigned to that carrier in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agents Codes (SCAC and STAC). ICC NMF 101-C, applicable supplements thereto, or subsequent reissues thereof.

§ 101-41.310-3 Separate billing for household goods shipments.

Except for domestic shipments of crated household goods, charges for each household goods shipment shall be billed on a separate SF 1113, Public Voucher for Transportation Charges. Services rendered on SF 1103 and SF 1203 shall not be billed on the same SF 1113.

§ 101-41.310-4 Presentation and payment of carriers' bills.

Carriers' bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101-41.4.

(a) Bills prepared as provided in § 101-41.310, excluding to the extent otherwise provided in §§ 101-41.304 or 101-41.312, are payable to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL;

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph (a) (1) of this section) in favor of the billing carrier;

(3) A carrier (as described in paragraph (a) (1) of this section) or its properly designated warehouse agent billing in the name of the carrier as authorized in § 101-41.309-2; or

(4) An agent of the carrier or forwarder (as described in paragraphs (a) (1) or (a) (2) of this section) provided the bill is submitted in the name of the principal. The agent's mailing address may be shown on those bills, and checks drawn in the name of the principal may be mailed to the agent.

(b) Any bill not in conformity with requirements outlined in this section shall be returned to the billing carrier with a statement of the reasons for nonpayment.

§ 101-41.311 Reporting of carrier voluntary refunds.

Agencies shall report voluntary refunds (other than those described in § 101-41.305-3 of this subpart) of excess payments for freight or express charges to the General Services Administration (BWAA/C), Washington, DC 20405. Each report shall include the:

(a) GBL reference and amount of refund;

(b) Disbursing office (D.O.) voucher number, bureau voucher number, if any, date of payment, and D.O. symbol number assigned to the original payment; and

(c) Carrier's name and bill number.

§ 101-41.312 Exception to usual billing and payment procedures.

(a) *Applicability.* Subject to the standards specified in Subpart 101-41.4. payment of transportation charges may be made to a carrier or forwarder in privity with the contract of carriage for unaccompanied baggage shipments by freight, for ocean carrier port-to-port shipments, or for international air shipments, without the billing carrier's certification of delivery: *Provided*, The carrier bills are not presented until 30 days after the shipment departs from point of origin. This does not, however, prevent a carrier from billing earlier on normal certification of delivery.

(b) *Limitations.* Payment on this presumption of delivery shall be subject to the limitations set forth in paragraphs (b) (1) through (b) (3) of this section.

(1) Ocean shipments made for the account of the U. S. Government may, at the option of the agencies, move on GBL forms or commercial bill of lading forms or other commercial documents overprinted or stamped with the provision "THIS SHIPMENT IS MADE UNDER ALL TERMS AND CONDITIONS OF THE U. S. GOVERNMENT BILL OF LADING (EXCEPT AS TO CARRIER'S CERTIFICATION OF DELIVERY) AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN 41 CFR 101-41.302-3." Ocean carriers using commercial documents shall comply with any reasonable numbering system established by each involved agency for payment and accounting control of the commercial documents which need not be converted to GBL's.

(2) The date on which shipment departs from point of origin shall be shown on each carrier's bill. All billings shall be presented on SF 1113.

(3) When a bill is presented under the provisions of this § 101-41.312 by other than the delivering carrier, the billing carrier must submit with its bill or have on file with the paying office a blanket certificate as set forth below in order to protect the United States from duplicate

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payments and from the consequences of loss, damage, or shrinkage of the property shipped.

CERTIFICATE OF BILLING CARRIER IN LIEU OF

WAIVER FROM DELIVERING CARRIER

In consideration of payment by the United States Government to the undersigned, for itself and all participating carriers, of charges billed on 30-day presumptive delivery for the transportation of property for the account of the United States under either U. S. Government bills of lading or commercial documentation, the undersigned agrees and guarantees to (1) make payment to all participating carriers of charges properly due them, (2) assume liability for any loss, damage, or shrinkage in connection with the shipments covered by said documents, notwithstanding that such loss, damage, or shrinkage may have occurred on the line or lines of participating carriers, and compensate the United States therefor, (3) refund promptly to the United States any amount found overcharged in connection with said shipments, and (4) refund promptly to the United States any charges paid to the undersigned which have been or may be paid by the United States directly to any other carrier participating in the movements covered by said bills of lading or commercial documentation.

(Name of billing carrier) By _____
(Authorized agent)

(c) *Agency procedures.*

(1) Agencies using the facilities of dispatch agents, commercial forwarders, or carriers for the preparation of ocean shipping documentation shall establish procedures to ensure that the GBL provision set forth in § 101-41.312(b) (1) is inserted on the commercial bill of lading form or other commercial documents.

(2) Each affected agency shall also establish procedures to ensure that carrier bills covering transportation charges on the shipments specified in paragraph (a) of this § 101-41.312 are not paid before expiration of the 30-day presumptive delivery period, which in each case shall begin with the date on which the shipment departs from point of origin. However, the agency shall ensure that carrier bills presented in compliance with this 30-day requirement shall be processed as expeditiously as possible.

(3) Payments made under the provisions of this section are subject to adjustment, if otherwise proper, when the cargo is lost, damaged, or not delivered to the destination specified in the bill of lading contracts. Agencies shall make a diligent effort to collect all agency claims arising under the provisions of this section and shall report uncollected debts to the Claims Group, Accounting and Financial Management Division, U. S. General Accounting Office, Washington, DC 20548.

§ 101-41.313 Availability of forms.

§ 101-41.313-1 GBL forms.

(a) Agencies may obtain supplies of the individual snapout GBL sets by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Agencies having facilities for computer preparation of GBL's may order them in continuous fanfold format with pinfeed strips attached to the sides, but such forms must conform to all other specifications on, the GBL, including overall size, wording, arrangement, color, construction, and grade of paper. Minor adjustments in spacing to accommodate differences in alignment of computer line printing are permissible, but all copies in the GBL sets must register from part to part. Agency orders for continuous fanfold GBL's shall be executed and processed in accordance with § 101-26.302 of this chapter. The National Capital Region, regional office of Federal Supply and Services, Supply Division (WFSI) Washington, D.C. 20407 of GSA maintains records of the serial numbers of all GBL and personal property GBL sets furnished and the names and mailing addresses of the receiving agencies.

(b) An agency may order overprinting on the GBL forms to the extent of identifying the name, bureau or service, and address of the payment office; appropriation or fund chargeable; and name and title of the issuing officer and place of issue. No other overprinting on the GBL forms is permitted unless specifically approved in writing by the General Services Administration (BW), Washington DC 20405.

§ 101-41.313-2 Carrier billing form.

SF 1113, Public Voucher for Transportation Charges, which shall be used to bill freight transportation charges, is printed on 8 1/2 by 11-inch white paper, with an added 8 1/2 by 3 3/16-inch tear-off slip which generally is returned to the carrier with the check covering payment

of the vouchered charges, (See § 101-41.803(b) for exception.) SF 1113-A, Public Voucher for Transportation charges (Memorandum Copy), printed on yellow paper, is the same size as the original without the tear-off slip.

(a) Carriers may Purchase SF 1113 and SF 1113-A from the Superintendent of Documents. U. S. Government Printing Office, Washington, DC 20402 or,

(b) Carriers may have SF 1113 and SF 1113-A printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved Standard forms. While no minimum grade of paper is set, carriers shall provide a reasonable grade of paper stock. Carriers may have SF 1113 and SF 1113-A printed in continuous-feed format for machine billing by adding pin-feed strips on the margins. If necessary, the tear-off slip may be moved from the bottom to the right edge of SF 1113, but the tear-off slip must be perforated on all edges to measure 8 1/2 by 3 3/16 inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, arrangement, etc., of the approved Standard forms.

§ 101-41.313-3 GBL correction notice.

Federal agencies may obtain SF 1200, Government Bill of Lading Correction Notice, by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101-41.314 Contracts and tenders.

§ 101-41.314-1 Contracts.

With the exception of contracts for local storage, drayage, and haulage (see § 101-41.304 of this subpart) and contracts entered into by the Military Sealift Command or the Military Airlift Command, a copy of each contract for freight or express transportation services, negotiated or otherwise, providing rates or charges shall be transmitted by agencies promptly upon execution to the General Services Administration (BWA), Washington, DC 20405.

§ 101-41.314-2 Quotations and tenders.

Quotations or tenders made by or on behalf of common or contract carriers for freight or express transportation rates or services, including those authorized by section 10721 of the Revised Interstate Commerce Act, (49 U. S. C. 10721), formerly section 22 of the Interstate Commerce Act, shall be in written form. Two copies of each quotation or tender shall be promptly transmitted by administrative or negotiating agencies to GSA (BWA).

§ 101-41.314-3 Procurement and billing of services under contract or tender.

Transportation services available under contract or tender shall be procured by use of a GBL. Each GBL shall bear reference to the applicable contract or tender, and the carrier shall bill the resultant charges on SF 1113.

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Subpart 101-41.4--Standards for the Payment of Charges for Transportation Services Furnished for the Account of the United States

§ 101-41.400 Scope and applicability of subpart.

The regulations in this subpart set forth standards for the payment of charges for the transportation of persons or property for or on behalf of the United States.

§ 101-41.401 Payment of transportation bills.

(a) Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary under 41 CFR 101-41.103(i), each agency or department shall pay any properly documented bill (claim) for freight passenger transportation charges that is not excepted by the provisions of § 101-41.604-2.

(b) Each military disbursing office and civilian paying office shall ensure during its administrative examination of carriers' bills that the Standard Carrier Alpha Code (SCAC) identifier is entered on each Standard Form 1113. Public Voucher for Transportation Charges, and SF 1113-A, Memorandum Copy. If the code is omitted, the forms and all supporting papers shall be returned to the carrier unpaid with a request that the SCAC be added to the forms.

(c) Provisions of Pub. L. 77-560, 56 Stat. 306 (31 U. S. C. 3322) (31 U. S. C. 3528) relieve certifying and disbursing officers of liability for overpayments made for transportation furnished in the account of the United States on GBL's and GTR's when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements. However, agencies are not relieved of responsibility for:

(1) Making an administrative determination that the transportation services for which payment is claimed were duly authorized, that such services represent a legal obligation under the appropriation or fund involved, that the carrier's bill is complete and supported with required documentation, and that all extensions and computations of charges are correct; and

(2) Establishing procedures and controls to prevent duplicate payments, to recover any duplicate payments that may be made, and to perform an annual review of the effectiveness of those procedures.

(3) Providing the carrier with notice of an apparent error, defect, or impropriety within 15 days of receipt of an invoice.

(d) Carrier bills deemed proper for payment as set forth in the foregoing paragraph shall be paid upon presentation and before confirmation of service satisfactorily performed, provided:

(1) For freight transportation (other than that excepted under § 101-41.312 of this part), the "Certificate of Carrier Billing" on the GBL has been properly executed by the carrier; and

(2) For passenger transportation, the proper ticket, coupon, or equivalent document covering the involved service has been furnished by the carrier in exchange for the GTR.

(e) For the purposes of determining whether interest penalties under the Prompt Payment Act, 31 U. S. C. 1801, are due, the date on which payment is due is 30 days after receipt of a proper carrier bill or claim.

§ 101-41.402 Payment prior to Government confirmation of satisfactory service.

§ 101-41.402-1 Joint standards for advance payment of charges for transportation services.

Standards issued jointly by the Comptroller General of the United States and the Secretary of the Treasury (4 CFR Part 56) under the authority of 31 U. S. C. 3726(c) prescribe the payment of carrier or forwarder charges for transportation services in advance of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided*, the carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the

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satisfactory completion of such services to ensure that advance payments are not made to:

(a) An assignee bank or financial institution under the authority of 31 U. S. C. 3727 and 41 U. S. C. 15:

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defenses or other valid reasons when notified by GSA or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment ruled for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills; or

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment, unless, after review of the facts and in the absence of objection by the U. S. General Accounting Office, it is determined administratively that the best interests of the United States will not be jeopardized by such payment.

§ 101-41.402-2 Limitations on advance payment of charges for transportation services.

The payment of charges in advance of completion of service is authorized for:

(a) Passenger transportation services procured through the use of cash as set forth in § 101-41.203-2; and

(b) Freight transportation services procured through the use of commercial forms and procedures as set forth in § 101-41.304-2.

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Subpart 101-41.5--Claims by the United States Relating to Transportation Services

§ 101-41.500 Scope and applicability of subpart.

§ 101-41.500 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, the collection of claims by administrative offset and by other means, the imposition of interest, penalties, and the disposition of amounts collected.

§ 101-41.501 Definitions.

(a) The term "overcharges" as used herein means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 10721 of the Revised Interstate Commerce Act, as amended (49 U. S. C. 10721), or other equivalent contract, arrangement, or exemption from regulation.

(b) The term "ordinary debt" as used herein means any administratively determined transportation-related debt other than an overcharge. Ordinary debts include, but are not limited to, payments for transportation services ordered and not furnished duplicate payments, and those involving loss and/or damage to property transported by carriers.

(c) The term "claim" as used herein means any demand by the United States for the payment of overcharges, ordinary debts, fines, civil penalties, special charges, or interest.

§ 101-41.502 Examination of payments and initiation of collection action and assertion of claims.

(a) *Examination of payments.* (1) Carrier bills and supporting documents that represent payments made by agency disbursing officers for freight and passenger transportation services shall be forwarded to the General Services Administration (BWAA/C), Washington, D.C. 20405, for audit. For the purpose of determining whether a claim exists, GSA will consider:

(i) The document ordering the services furnished to determine the contractual basis upon which the rights of the Government and the carrier are based;

(ii) The pertinent tariffs, special or reduced rate quotations, contracts, or agreements, to determine the proper charge for the services rendered;

(iii) Decisions of the courts, regulatory bodies, and the Comptroller General affecting the rates, fares, and charges; and

(iv) Information furnished by transportation officers, travelers, or agencies.

(2) The General Services Administration is obligated to honor a carrier bill for charges properly due. However, GSA has a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be illegal or mathematically incorrect or which is not accompanied by documented support establishing an obligation of the United States.

(b) *Notice of Overcharge.* (1) A GSA notice of overcharge is issued when it is determined that a carrier has been paid a sum in excess of that proper for the services rendered. This notice, which states a debt owed to the United States, sets forth: the amount paid; the basis for the proper charge for each Government bill of lading or Government transportation request; and cites applicable tariff references and other data relied upon to support the statement of difference. A separate notice of overcharge is stated for each Government bill of lading or Government transportation request and mailed to the billing carrier.

(2) If the GBL or the GTR contains a contract provision relating to the assessment of interest, then interest shall be charged under the contract terms thereof. If neither contains such a provision, then interest shall be assessed under the Debt Collection Act (31 U. S. C. 3717) and the Federal Claims Collection Standards, 4 CFR Parts 101-105, and regulations published in 41 CFR Parts 105-55.

(c) *Notice of Indebtedness.* A GSA notice of indebtedness is issued when it is determined that an ordinary debt is due the United States. This notice sets forth the basis for the debt, the debtor's rights, interest, penalty and other consequences of nonpayment. The debt

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is due immediately. Interest accrues 30 calendar days after the mailing of the notice of indebtedness and is subject to interest charges, penalties and administrative costs as prescribed by 31 U. S. C. 3717.

§ 101-41.503 Refunds and/or protests to claims.

(a) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed to the General Services Administration (BWCA), Washington, DC 20405.

(b) A carrier that disagrees with a claim may protest by letter to the General Services Administration (BWCA), Washington, D.C. 20405. Since each claim is processed as a separate account receivable, the carrier shall use a separate letter for each claim being protested. The carrier shall present the basis for its protest and submit either the original or a legible copy of all documents substantiating its position. If the carrier believes that an amount less than that claimed is due, it should submit a check for the amount due, together with a full explanation of the reasons for believing the balance is not due. With reference to an ordinary debt, which is the subject of a notice of indebtedness, the carrier may: inspect and copy the Government's records related to the claim; seek review by GSA of the claim decision; and/or enter into a written agreement for the payment of the claim. GSA will acknowledge receipt of each letter containing a substantive protest and upon completion of consideration will notify the carrier whether the claim has been sustained, amended, or canceled. Repetitious letters of protest will not serve to preclude the collection of claims found due.

§ 101-41.504 Collection action by other means.

When a carrier fails to pay or protest a claim and GSA determines that the amount is still due the United States, GSA will effect collection by other means, as set forth in paragraphs (a) through (d) of this section.

(a) When GSA has an indebted carrier's claim against the Government on hand for direct settlement, GSA will apply all or any portion of the amount determined to be due the carrier to the Government's outstanding claim, in accordance with the Federal Claims Collection Act.

(b) When the action outlined in paragraph (a) of this section cannot be taken, GSA will instruct one or more Government disbursing offices to deduct the amount due the United States from an unpaid carrier's bill. A 3-year limitation applies on the deduction of overcharges from amounts due a carrier or forwarder (31 U. S. C. 3726): and, a 10-year limitation applies on the deduction of ordinary debts (31 U. S. C. 3716).

(c) When collection cannot be effected through either of the above procedures, GSA normally sends two additional demand letters to the indebted carrier requesting payment of the amount due within a specified time. Lacking satisfactory response, GSA may place a complete stop order against amounts otherwise payable to the indebted carrier by placing the name of that carrier on the Department of the Army "List of Contractors Indebted to the United States."

(d) When actions to effect collection, as stated in the preceding paragraphs (a) through (c), are unsuccessful, GSA may report the debt to the Department of Justice for collection, litigation, and related proceedings, as prescribed in 4 CFR Part 105.

§ 101-41.505 Disposition of collections.

(a) Amounts collected by GSA to liquidate debts asserted in the audit of transportation accounts are generally deposited in the Treasury of the United States as a credit to the appropriation or fund accounts against which the original payments were charged. When the accounts are not readily identifiable on the basic procurement documents, the collected amounts are deposited to miscellaneous receipts. Collections identified with certain Department of Defense activities are deposited to the appropriate military management fund rather than to the account from which the original payment was made.

(b) GSA informs agencies of the amounts and account symbol numbers

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when collections are credited to the original payment appropriations or funds or to the military management fund but does not inform agencies of collections deposited to miscellaneous receipts. GSA records credits by account symbol numbers only to the basic appropriation level and requires no explanation by agencies regarding subsequent expenditure of the credited moneys.

§ 101-41.506 Transportation debts administratively determined to be due the United States.

(a) Under the Federal Claims Collection Act of 1966, as amended (31 U. S. C. 3711, et seq.), the Comptroller General and the Attorney General have joint responsibility for promulgating standards for the collection, compromise, termination or suspension of collection action on any debts determined to be due the United States. Regulations defining agency responsibilities for collecting amounts determined to be due the United States, establishing principles governing agency collection procedures for reporting uncollectible debts to the General Accounting Office (GAO) or the Department of Justice, are found in 4 CFR Parts 101 through 105 and in the GAO Policy and Procedures Manual for Guidance of Federal Agencies.

(b) Agencies shall refer all administratively determined transportation debts involving loss and/or damage to property to: Claims Group, Accounting and Financial Management Division, U. S. General Accounting Office, Washington, DC 20548.

(c) The Director, Office of Transportation Audits, has the authority and responsibility to audit and settle all accounts arising from the payment for domestic and foreign freight and passenger transportation services furnished for the account of the United States under the provisions of 31 U. S. C. 3726 without regard to monetary limitations. He/she initiates actions on claims arising from his/her audit and settlement activities.

(d) Whenever feasible, debts owed to the United States, together with interest, administrative charges and penalty charges, should be collected in full, if the debtor requests installment payments, the Director, Office of Transportation Audits, shall determine the financial hardship of the debtor and may arrange installment payments.

(e) All liquidated or certain claims (those upon which all audit procedures under 31 U. S. C. 3726 have been completed) over \$20,000, exclusive of interest, penalties and administrative charges which cannot be collected, shall be referred to the Department of Justice.

(f) The Director, Office of Transportation Audits, may terminate collection action on, or settle by compromise at less than the principal amount liquidated or certain claims not exceeding \$20,000 exclusive of interest, penalties and administrative charges if:

- (1) The debtor shows an inability to pay the full amount within a reasonable time;
- (2) Complete collection is not enforceable within a reasonable time;
- (3) The amount of the claim does not justify the foreseeable collection cost; or
- (4) There are uncertain litigative probabilities.

(g) The Director, Office of Transportation Audits, shall prescribe internal regulations for the guidance of GSA personnel collecting claims arising from the audit of transportation accounts.

§ 101-41.507 Disclosure to consumer reporting agencies and referrals to collection agencies.

GSA may disclose delinquent debts to consumer reporting agencies and may refer delinquent debts to debt collection agencies under provisions of the Federal Claims Collection Act, and § 105-55.010 of these Regulations.

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Subpart 101-41.6--Claims Against the United States Relating to Transportation Services**§ 101-41.600 Scope and applicability of subpart.**

This subpart sets forth procedures applicable to the presentation, settlement, reconsideration, and review of claims against the United States relating to freight and passenger transportation services, and implementation of the Prompt Payment Act, 31 U. S. C. 1801.

§ 101-41.601 Definition.

The word "claims" as used in this subpart includes:

- (a) Requests by claimants for amounts not included in the original billing;
- (b) Requests by claimants for amounts deducted or set off by the Government;
- (c) Requests by claimants for amounts previously refunded by carriers; or
- (d) Unpaid original bills requiring direct settlement by GSA, including those subject to doubt regarding the propriety of payment.

§ 101-41.602 Statutory limitations on filing of claims.

(a) 31 USC 3726 as amended, imposes a limitation, generally 3-years, on the filing of claims cognizable by GSA when such claims involve charges for transportation within the purview of 31 U. S. C. 3726, as amended. Claims in this category are those which involve transportation charges based on tariffs lawfully on file with Federal and State transportation regulatory agencies or which involve rates, fares, and charges established under section 10721 of the Revised Interstate Commerce Act, (49 U. S. C. 10721), formerly section 22 of the Interstate Commerce Act, or other equivalent contract arrangements, or exemption from regulation.

(b) A claim must be received by GSA or its designee (the agency out of whose activities the claim arose) within 3 years (not including any time of war) from whichever is the latest of the following dates:

- (1) Accrual of the cause of action thereon;
- (2) Payment of charges for the transportation involved;
- (3) Subsequent refund for overpayment of such charges; or
- (4) Deduction made under 31 U. S. C. 3726, as amended.

Claims for filing with the designee agency shall be sent to the payment office shown in the "Bill Charges To" box of the procuring document.

(c) Each claim of a carrier or forwarder, whether filed with GSA or with its designee (the agency out of whose activities the transaction arose), must be clearly stamped with the month, day, and year of receipt by GSA or the designee agency so that there will be no question regarding the filing date when the determination of compliance with the 3-year limitation imposed thereon by 31 U. S. C. 3726 is made and for the purposes of the Prompt Payment Act.

(d) For the purposes of determining whether interest penalties under the Prompt Payment Act are due, the date on which payment is due is 30 days after receipt of a proper carrier bill or claim.

§ 101-41.603 Presentation of claims.**§ 101-41.603-1 Filing requirements for claimants.**

Claims shall be presented in writing:

- (a) Over the bona fide signature of the individual claimant or the claimant carrier's authorized official; or
- (b) Over the signature of the claimant's agent or attorney accompanied by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant.

§ 101-41.603-2 Form of claims.

(a) Charges claimed for passenger or freight transportation services shall be billed on Standard Form 1113. Public Voucher for Transportation Charges, in the manner prescribed in §§ 101-41.214 and 101-41.310. Those claims for an amount in addition to that originally paid to the carrier for the same service, or for an amount collected by GSA or by another agency shall be presented on SF

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1113 in the form of a supplemental bill (claim) bearing the same number as the original bill but with an alphabetical suffix. An alphabetical sequence of suffixes shall be used for any additional supplemental bills. Each supplemental bill (claim) for freight transportation services shall be accompanied by a copy of the GBL ordering the service and a copy of the original voucher which was submitted by the linehaul carrier. Generally only one supplemental bill shall be presented for all supplemental charges relating to the items paid on the original bill.

(b) Each supplemental bill shall cover charges relating to bills of lading or transportation requests paid on one original bill. However, if supplemental bills (claims) arise from asserted retroactive increases in charges or from currency fluctuations. GSA (BW) will consider a carrier's written request for the single billing of such charges applicable to multiple original bills, if such request bears the concurrence of the agency's paying office.

(c) It is imperative that each claim of a carrier or forwarder, whether filed with GSA or with its designee (the agency out of whose activities the transaction arose), be clearly stamped with the month, day, and year of receipt by GSA or the designee agency so that there will be no question regarding the filing date when the determination of compliance with the 3-year limitation imposed thereon by 31 U. S. C. 3726 is made.

§ 101-41.603-3 Documentation required for claim settlements.

(a) A claim is settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports and information available to GSA and/or to the agency out of whose activities the transaction arose; and the written and documentary record submitted by the claimant. Oral presentations supplementing the written record are not acceptable.

(b) Settlements are founded on a determination of the legal liability of the United States under the factual situation disclosed by the record. The burden is on the claimant to establish the liability of the United States and the claimant's right to payment. Clear and detailed documentation by the claimant is essential to the claim settlement; bare assertions or conclusions are not acceptable.

§ 101-41.603-4 Where to file transportation claims.

(a) Claims involving collection actions resulting from the transportation audit performed by the General Services Administration must be filed directly with GSA (BWCA). Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act. All other transportation claims generally shall be filed with the agency out of whose activities they arose: if that is not feasible (e.g. where the responsible agency cannot be determined or is no longer in existence) they may be sent to GSA (BWCA) for forwarding to the responsible agency or for direct settlement by GSA's transportation audit office. Claims for GSA processing shall be addressed to the General Services Administration (BWCA). Washington, DC 20405.

(b) A claimant who disagrees with the action taken on his claim by the agency's payment office may request reconsideration or review of that action, provided he meets applicable time limitations. (See § 101-41.602 of this subpart and Subpart 101-41.7 of this part.) The levels for progression of claims not disposed of to the satisfaction of the claimant are as shown in the following table.

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§ 101-41.604 Payment of transportation claims.**§ 101-41.604-1 Transportation claims payable by agencies.**

Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary under 41 CFR 101-41.103(i), each agency or department shall pay any properly documented bill (claim) for freight or passenger transportation charges that is not excepted by the provisions of § 101-41.604-2 provided the following guidelines are observed:

(a) The agency shall annotate each paid claim, other than a bill for air excess baggage charges, with the payment record on the related procuring Government bill of lading (GBL) or Government transportation request (GTR) including Disbursing Office (DO) voucher number, bureau voucher number, date of payment, and DO symbol number.

(b) The agency shall make an administrative examination of each claim to ensure that it is not a duplicate billing of a previous payment and that it is properly supported, presented in the name of the carrier to which the original charges were paid, and in agreement with agency records concerning the amount previously paid.

(c) Claims paid in accordance with this § 101-41.604-1 shall be transmitted to GSA (BWAA/C) separately from other paid transportation documents submitted for audit.

§ 101-41.604-2 Transportation claims not payable by agencies.

(a) Agencies shall not pay supplemental claims for amounts which have been administratively deducted from transportation payment vouchers in connection with loss and/or damage to property but shall forward such claims to: Claims Group, Accounting and Financial Management Division, U. S. General Accounting Office, Washington, DC 20548.

(b) Agencies shall not pay the following types of transportation claims:

(1) Any claim that is "time barred" by a statute of limitations as indicated in § 101-41.602 or any claim on which there is doubt as to whether it is "time barred."

(2) Any claim that refers to a GSA file number or to a previously paid amount which is not in agreement with the agency's record of prior payment.

(3) Any claim that is doubtful. A claim is doubtful when in the exercise of fair judgment of the person responsible for deciding appropriate administrative action or the person who, in accordance with applicable statutes, will be held accountable if the claim were paid and then found to be incorrect, illegal, or improper, is unable to decide with reasonable certainty that the claim is valid and correct. The accuracy of rates, fares, routes, and related technical data shall not be a factor in determining the correctness of the claim.

(4) Any pricing adjustment claims for services previously billed and paid, except single-factor ocean rate adjustments (SFORA) on international household goods shipments. Each SFORA claim shall be billed on a separate Public Voucher for Transportation Charges, SF 1113, and the annotation "SFORA claim" shown on the SF 1113.

(5) Claims described in paragraph (b) of this section are subject to GSA prepayment audit. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

(6) Interest penalties under the Prompt Payment Act are not required when payment is delayed because of a disagreement between a Federal agency and a carrier or forwarder over the amount of the payment or other issues. Claims concerning any interest that may be payable will be resolved in accordance with the provisions of the Contract Disputes Act of 1978, 41 U. S. C. 601 et seq.

(7) Irreconcilable claims disputing prepayment audit positions of agencies that are subject to a delegation of authority by the Administrator under § 101-41.103. All claims protesting an audit activity's prepayment audit position will be addressed to that activity. The activity shall promptly acknowledge the claim in writing and stamp it with its date of receipt. The activity must adjudicate the claim

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within 30 days of receipt, but if the authority fails to approve all or any portion of the carrier's claim, it shall make a final decision providing a clear, specific, and detailed written explanation of its position. If the carrier is dissatisfied with the activity's final decision, it may appeal that decision to GSA, providing a copy of all documentation involved in the record, including a copy of the audit activity's decision. All such appeals shall be forwarded by the carrier to GSA, Attn: FWC (Code PA), Washington, DC 20405.

(c) Claims described in paragraph (b) of this section will be handled by GSA under the provisions of § 101-41.605 of this subpart and shall be forwarded separately from other types of transportation documents to the General Services Administration (BWCA), Washington, DC 20405. Agencies shall support each claim forwarded to GSA with:

- (1) Appropriate certification of factual matters not considered in previous certifications;
- (2) Administrative report of any pertinent information not previously furnished;
- (3) Recommendation of the action to be taken;

(4) Citations to previous payments, if any, by reference to disbursing office (D.O.) voucher number, date of payment, and D.O. symbol number; and

(5) Citations to applicable appropriation or fund accounts. Administrative red ports and recommendations are not required on claims for amounts collected by or through the efforts of GSA, but factual data that were not previously submitted shall be furnished.

(d) Agencies shall notify claimants of the dates on which their claims are forwarded to GSA but shall not inform them of administrative recommendations. Agencies need not take further administrative action but shall forward to GSA (BWCA) any materials subsequently received which relate to forwarded claims and shall furnish supplemental reports to GSA when requested. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

§ 101-41.605 GSA processing of direct settlement claims.

§ 101-41.605-1 Acknowledgments.

Each claimant is informed of the number assigned to his claim upon its receipt in GSA. Claimants should withhold inquiries for at least 6 months after receipt of acknowledgments because inquiries merely delay settlement action on the claims.

§ 101-41.605-2 Processing claims certified for payment.

(a) GSA certifies each payable claim by use of a GSA Form 7931. Certificate of Settlement, and includes therein a complete explanation of any amount that is disallowed. GSA forwards the certificate to the agency whose funds are to be charged for processing and prompt payment and concurrently forwards an advance copy of the certificate to the claimant. When an amount of the settlement is to be set off to recover a debt due the United States from the carrier, the agency shall effect such action immediately to preclude the setoff from being barred by expiration of the applicable statutory time period. (See § 101-41.501.)

(b) An agency shall not revise or alter any GSA certificate of settlement except to indicate the appropriation symbol number applicable at the time of payment or to correct subsidiary accounting references relating to the stated appropriation or fund account. Alterations which will result in payment from a different appropriation or fund account or payment in an amount other than that originally stated on the certificate of settlement are not permitted. Any certificate of settlement that cannot be processed shall be immediately returned to GSA (BWCA) with an explanation of the nonpayment.

(c) GSA forwards the original and four copies of each certificate of settlement to the agency by GSA Form 7933. Certificate of Settlement Transmittal, a copy of which shall be promptly receipted and returned to GSA (BWCA) When a setoff amount is to be credited to the accounts of other agencies, GSA supplies additional copies of the certificate for the agencies whose accounts are to be credited. The agency shall take action to effect issuance of the check or checks and shall distribute the certificate of settlement as follows:

- (1) Forward the original of the certificate, with the D.O. voucher number and date of payment stamped in

the upper right corner, to GSA (BWCA). (The agency shall be responsible for preparing any required SF 1006, Schedule of Voucher Deductions.)

(2) Forward the claimant's notice copy to the payee with the settlement check.

(3) Forward a copy of the certificate to each agency whose accounts are to be credited with a withheld amount, if any.

(4) Return the remaining copies for internal fiscal records, including support for the disbursing officer's accounts.

(d) When the full amount certified for payment is setoff. GSA forwards both the advance copy and the notice copy of the certificate to the claimant and forwards the original and fiscal copies to the agency for processing and return of the annotated original certificate to GSA (BWCA). However, when the setoff amount is to be charged and credited to the same appropriation or fund account, GSA retains the original of the certificate and sends only the fiscal copies to the agency.

§ 101-41.605-3 Disallowed claims.

When a claim is wholly disallowed, the claimant is furnished GSA Form 7932, settlement Certificate, completely explaining the disallowance. One copy of the settlement certificate is furnished to the agency concerned.

§ 101-41.606 Effect of GSA claim settlements.

§ 101-41.606-1 Finality of action.

Claimants may request reconsideration or review of GSA transportation claim settlement actions as set forth in subpart 101-41.7. However, with reference to agencies of the Federal Government, these settlement actions are the final administrative action. (See § 101-41.605-2(b).) A GSA claim settlement is not to be regarded as a precedent for agency determination of future payments by accountable or other administrative officers.

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Subpart 101-41.7--Reconsideration and Review of General Services Administration Transportation Claim Settlements

§ 101-41.700 Protest to settlement action.

(a) A claimant who disagrees with the action taken upon his claim in GSA's transportation audit may write to the Administrator of General Services, General Services Administration (BW), Washington, DC 20405, requesting reconsideration of the action. The letter shall identify the transaction and set forth in detail the legal, technical, or factual data or other information or documentation relied upon by the carrier to raise substantive doubt as to the correctness of the claim settlement.

(b) A claimant who disagrees with the claim settlement action taken by an agency authorized by GSA to perform the transportation audit may address his request for reconsideration to the head of that agency. Such request shall include all information as indicated in paragraph (a) of this section.

§ 101-41.701 Review by the Comptroller General of the United States.

(a) A claimant desiring a review of a transportation settlement action taken by GSA or by a designee agency may request review by the Comptroller General of the United States (4 CFR Part 53). "Settlement" means any final administrative action taken by GSA or by a designee agency in connection with the audit of payments for transportation and related services furnished for the account of the United States, including:

(1) Deduction from moneys otherwise due a carrier (or refund by carrier) to adjust asserted transportation overcharges;

(2) Disallowance, either in whole or in part, of a claim or a supplemental bill for charges for transportation and related services; or

(3) Any other action that entails finality of administrative consideration.

(b) A request for review shall be forever barred unless received in the General Accounting Office within 6 months (not including time of war) from the date the settlement action was taken or within the periods of limitation specified in 31 U. S. C. 3726, as amended, whichever is later. The request should be addressed to the Comptroller General of the United States, U. S. General Accounting Office, Washington, DC 20548.

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Subpart 101-41.8--Transportation Disbursement Procedures**§ 101-41.800 Scope and applicability of subpart.**

This subpart sets forth procedures for processing documents to request issuance of checks covering freight and passenger transportation services furnished for the account of the United States, and related forms, and for forwarding disbursing officers' paid transportation accounts to the General Services Administration for audit in accordance with section 322 of the Transportation Act of 1940, as amended (31 U. S. C. 3726).

§ 101-41.801 [Reserved]**§ 101-41.802 Standard forms for scheduling transportation vouchers for payment.**

(a) The following Standard forms shall be used in connection with scheduling transportation vouchers for payment and audit:

- (1) SF 1096, Schedule of Voucher Deductions.
- (2) SF 1166 OCR (Optical Character Recognition--Readable Format), Voucher and Schedule of Payments (Original) (white paper).
- (3) SF 1166-A OCR, Voucher and Schedule of Payments (Memorandum) (yellow paper).
- (4) SF 1166 EDP (Electronic Data Processing), Voucher and Schedule of Payments (Computer-generated).
- (5) SF 1167 OCR, Voucher and Schedule of Payments (Continuation Sheet) (Original) (white paper).
- (6) SF 1167-A OCR, Voucher and Schedule of Payments (Continuation Sheet) (Memorandum) (yellow paper).
- (7) SF 1186, Transmittal for Transportation Schedules and Related Basic Documents.

(b) The procedures prescribed for preparation of SF 1166 OCR, Voucher and Schedule of Payments (voucher-schedule), are applicable to all Federal agencies using the disbursing facilities of the Department of the Treasury. The procedures prescribed for the use of SF 1166 OCR apply also to SF 1166-A OCR, SF 1167 OCR, and SF 1167-A OCR.

(c) The procedures prescribed for SF 1186, Transmittal of Transportation Schedules and Related Basic Documents, are applicable to all Federal agencies required to send their transportation accounts to GSA for audit.

§ 101-41.803 Scheduling procedures.

(a) Agency shall prepare a voucher-schedule (SF 1166 OCR) for all basic vouchers covering transportation services furnished for the account of the United States submitted by carriers in accordance with §§ 101-41.214 and 101-41.310 of this part. Transportation vouchers (SF 1113) shall be listed separately from all other types of payment vouchers. All information required for check issuance purposes must be included on the SF 1166 OCR. After certification by the authorized certifying officer, the voucher-schedule shall be transmitted to the appropriate disbursing office. The transportation vouchers shall be retained by the agency for later transmittal to GSA (FWAA/C) in accordance with § 101-41.807 of this subpart.

(b) The tear-off slips from the related basic SF 1113 must also be sent to the disbursing office for forwarding to the carrier-payees with the payment checks. However, agencies submitting payment data on magnetic tape to a Department of the Treasury disbursing facility may arrange with that facility for the preparation of enclosures (TFS Form 3039, Notice to Check Recipient), bearing all information shown on the tear-off slips, which must be sent to the carrier-payee with the payment checks instead of the tear-off slips.

(c) Paid amounts must be clearly identified against individual carrier bills. Each carrier bill number and related payment amount for transportation charges and payment amount for interest, if any, for that bill number must be included in each check issue entry if the agency certifies on SF 1166 OCR, or it must be included as magnetic tape payment data if the agency certifies on SF 1166-EDP.

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§ 101-41.803-1 Classification of basic transportation vouchers for purposes of separate scheduling.

(a) Basic transportation vouchers shall be sorted into three general classifications for separate listing on SF 1166 OCR:

- (1) Vouchers for charges payable in U. S. currency;
- (2) Vouchers for charges payable in foreign currency; and
- (3) "No-check" vouchers requiring no accounting transaction by the disbursing or accounting office.

(b) Vouchers covering charges for intracity transit services; for local storage, drayage, and hauling services; or for small shipments not procured with GBL's as specified in § 101-41.304 shall not be handled as transportation vouchers but shall be listed on voucher-schedules covering payments for other than transportation charges. The terms "intracity" and "local" refer to services which are performed entirely within municipalities or contiguous commercial zones thereof and are not part of, or incident to, any arrangement for past or further transportation beyond the confines of these localities.

§ 101-41.804 Preparation of SF 1166 OCR, Voucher and Schedule of Payments.

§ 101-41.804-1 Assignment of schedule numbers.

Each SF 1166 OCR covering transportation vouchers shall be assigned a schedule number prefixed by the letter "T" and taken from a series of numbers running consecutively for each fiscal year. The "T" numbers assigned to transportation voucher-schedules shall be taken from a series of numbers separate from the series assigned to voucher-schedules covering nontransportation charges.

§ 101-41.804-2 Listing of items on SF 1166 OCR.

Each basic voucher shall be listed on a voucher-schedule with all information required for check issuance purposes, and paid amounts must be clearly identified against individual carrier bills (see § 101-41.803 (a) and (c)). The maximum practical number of check issue entries, consistent with normal spacing requirements, shall be listed on each voucher-schedule page.

8. Sections 101-41.804-4 and 101-41.804-5 are revised to read as follows:

§ 101-41.804-3 Combining payments due a single payee.

If the amounts of two or more basic transportation vouchers due one payee can be combined in one check, the individual amounts shall be added and shown as one amount on the voucher-schedule, but the individual bureau voucher numbers (or schedule numbers individually identified by letter or number suffixes) must be listed separately in the voucher number column of the voucher-schedule. When the amounts of basic vouchers are combined into a single payment, an adding machine tape or facesheet listing the individual amounts shall be attached to the related group of basic vouchers.

§ 101-41.804-4 Name and address space.

Generally, the disbursing office draws checks only from information recorded on the SF 1166 OCR. Thus, except as provided in § 101-41.805, the information shown in the name and address column shall be complete (including ZIP codes) but shall be restricted to the information to be shown on the face of the check. Long addresses shall be avoided unless necessary for postal identification. The format and State abbreviations developed by the U. S. Postal Service for addressing envelopes shall be used.

§ 101-41.804-5 Amount column.

The amount for which the check is to be drawn shall be imprinted in the amount column on the same line as the payee's name. The total of the amount column on the SF 1166 OCR must include all items listed on the continuation sheets and must agree with the aggregate of amounts classified by appropriation or fund in the appropriation summary block.

§ 101-41.804-6 Appropriation summary block.

In the summary block of the voucher-schedule, the total amount chargeable to each appropriation or fund shall be shown on the same line as the fund account symbol. A breakdown beyond the basic appropriation generally need not be shown. However, If required for administrative purposes, it shall be shown in the summary block as in the following example:

7563901	\$1,020.00
(.001--\$582.00)	
(.002--\$438.00)	
7560271	250.00
7560262	400.00
Total	\$1,670.00

§ 101-41.805 Scheduling specific types of transportation vouchers.**§ 101-41.805-1 No-check vouchers.**

Basic transportation vouchers for which no checks are to be issued to the voucher-payee shall be assigned bureau voucher numbers and scheduled as follows:

(a) Vouchers requiring the processing of an accounting transaction for inclusion in the agency's SF 224, Statement of Transactions (Classified According to Appropriation, Fund, and Receipt Account, and Related Control Totals); SF 1220, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts; or SF 1221, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts (Foreign Service Account), or other approved reporting form, by transfer or without the issuance of a check shall be listed on SF 1166 OCR covering transportation vouchers for which checks are to be issued. Show the words "NO CHECK" in the amount column of SF 1166 OCR opposite the payee's name and address. The amount shall be shown on SF 1096, Schedule of Voucher Deductions, as provided in § 101-41.805-2.

(b) Vouchers which do not require the processing of an accounting transaction by the disbursing or accounting office for inclusion in the agency's SF 224, SF 1220, SF 1221, or other approved reporting form, shall be scheduled separately. Such voucher-schedules shall be plainly marked "No-check vouchers." They shall not be submitted to disbursing officers for processing but shall be submitted to GSA (FWAA/C) for audit.

§ 101-41.805-2 Deductions from disbursement vouchers.

(a) When the payee of an approved basic voucher is not to receive the gross amount and a separate check must be drawn or a transfer made, SF 1096, Schedule of Voucher Deductions, shall be prepared for the amount or amounts of the voucher deduction. SF 1096 shall show, in addition to the data identifying the schedule by number, department, bureau, etc., the following:

- (1) The related voucher number from which the deduction is made;
- (2) Complete information regarding the purpose for which the voucher deduction is made;
- (3) The symbol of the appropriation or other account to be credited; and
- (4) The amount of the voucher deduction.

(b) When a deduction is made to recover an amount charged to an appropriation or fund account other than one to which the voucher carrying the deduction is chargeable, reference must be made to the disbursing office (station) symbol number and the voucher number on which the amount was overpaid. When the voucher-schedule contains more than one voucher deduction, a summary by appropriation or fund accounts of all voucher deductions must be made on the voucher-schedule, showing the symbol of each account creditable.

(c) When an amount is deducted from more than one basic voucher listed on an SF 1166 OCR, the agency shall take action as follows:

- (1) Show the net amount payable to each payee in the amount column of the SF 1166 OCR;
- (2) Record the total amount deducted as the last item in the address column of the SF 1166 OCR: "See attached SF 1096 No. _____ \$ _____";
- (3) List the deductions individually on an SF 1096; and
- (4) Annotate the basic voucher "Paid in the amount of \$ _____, See SF 1096 No _____."

§ 101-41.805-3 Vouchers payable in foreign currency.

Disbursements to be made in a foreign currency shall be clearly indicated on the voucher-schedule by noting "Payable in (name of currency)" in the ad-

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dress column above the names and addresses of than payees. The individual amount due, expressed in the foreign currency, shall also be recorded in that column opposite each payee's name and adjacent to the amount column. The U. S. dollar equivalents shall be inserted in the amount column and in the appropriation summary block by the disbursing office.

§ 101-41.805-4 Certificate of settlement issued by the General Services Administration.

Procedures relating to payment based on GSA Form 7931, Certificate of Settlement, issued by GSA are outlined in § 101-41.605-2. In scheduling such certificates for payment, the original and the claimant's notice copy of the certificate of settlement shall be forwarded with the voucher-schedule to the disbursing office. After return of the original voucher-schedule by the disbursing office, the agency shall attach to it a copy of the related certificate of settlement.

§ 101-41.806 Processing of SF 1168 OCR.

§ 101-41.806-1 Makeup and initial distribution of forms.

Agencies shall prepare an original SF 1166 OCR and at least two copies of the SF 1166-A OCR. The original and two copies shall be forwarded to the appropriate disbursing office for payment processing.

§ 101-41.806-2 Information to be furnished by the disbursing office.

The disbursing office (D.O.) shall clearly imprint within the PAID BY block the word "Paid"; the month, day, and year of payment; and the D.O. (station) symbol number. The disbursing office shall also list in the appropriate column opposite each payee's name the serial numbers of any checks issued in payment of the voucher.

§ 101-41.806-3 Disposition of forms after payment.

The disbursing office shall forward the payment check to the carrier-payee with pertinent tear-off slips (or Notice to Check Recipient. TFS Form 3039 bearing all information shown on the tear-off slips), return two copies of the voucher-schedule to the issuing agency, and retain the original voucher-schedule to support its statements of accountability. If neither a tear-off slip nor a Notice to Check Recipient is provided, the carrier's bill number and related payment amount for transportation charges, and payment amount for interest, if any, for that bill number must appear on the check. In distributing the accomplished voucher-schedule, the issuing agency shall use one copy to support its statement of transactions (SF 224, SF 1220, or SF 1221) and retain a copy in its files.

**FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-80, MARCH 1987)**

4102.40

§ 101-41.807 Identification and submission of transportation vouchers and supporting documents to GSA.**§ 101-41.807-1 Identification of basic transportation payment documents.**

Each basic transportation voucher (SF 1113) and its related voucher-schedule (SF 1166 OCR) shall be cross-referenced by voucher number (military agencies) or schedule number (civilian agencies) in the appropriate space to provide positive association of one with the other and the date of payment as shown in the PAID BY block of the voucher-schedule.

§ 101-41.807-2 Submission of transportation vouchers.

The following procedures are applicable to all agencies not specifically exempted from submitting their transportation accounts to GSA.

(a) Each month, after the statement of transactions (SF 224, SF 1220, or SF 1221) has been accomplished, the basic transportation vouchers and supporting documents shall be securely bound with cord or tape and forwarded promptly to the General Services Administration (FWAA/C), Washington, DC 20405.

(b) Each shipment of transportation vouchers shall be made under a covering SF 1186, Transmittal for Transportation Schedules and Related Basic Documents, which shall be included in the package identified as number 1. If receipt is desired, a copy of SF 1186 with an addressed return envelope must be furnished. SF 1186 must be executed and submitted for each accounting period; if no disbursements for transportation services were made during the period, the form should be so annotated.

(c) The shipping cartons used for transmitting voucher shipments to GSA shall not exceed 15 inches long, 12 inches wide, and 10 inches deep. These dimensions are specified under national stock number 8115-00-290-3379 for cartons used to ship documents to Federal Records Centers.

(d) The cover or container of each package shall include the following information.

From: _____ Name and address of transmitting office, Period of account. Package number _____ of _____

Disbursing office symbol number. Package number _____ of _____

To: General Services Administration, (FWAA/C), Washington, DC 20405.

§ 101-41.807-3 Transportation vouchers withheld or delayed.

Transportation vouchers and related documents delayed or withheld from the appropriate accounting submission shall be properly identified and submitted under separate cover by the agency. In no case shall they be filed and transmitted with transportation vouchers for subsequent periods.

§ 101-41.807-4 Submission of paid freight bills/invoices, commercial bills of lading, passenger coupons, and supporting documentation covering transportation services by contractors under a cost-reimbursement contract.

(a) Agencies shall ensure that legible copies of paid freight bills/invoices, commercial bills of lading (CBL's), passenger coupons, and supporting documentation for transportation services, for the account of and on which the United States will assume freight and passenger charges, that were paid by a Federal agency's contractor under a cost-reimbursement contract and their first-tier subcontractors, under a cost-reimbursement contract, are submitted to GSA for audit.

(b) Agencies shall ensure that each prime contractor forwards legible copies of paid freight bills/invoices, CBL's, passenger coupons, and supporting documentation, as soon as possible following the end of the month, in one package to the General Services Administration (FWATS), 18th and F Streets NW., Washington, DC 20405. The shipment shall include the required documents for all first-tier subcontractors under a cost-reimbursement subcontract. If, however, the inclusion of the transportation documents for any such subcontractors in the shipment is not practicable, such documents are to be transmitted in a separate package.

(c) Agencies shall ensure that any original transportation bills or other documents requested by GSA be forwarded promptly by the contractor to GSA. The agency shall ensure that the contractor stamp or write the name of the contracting agency on the face of the bill before sending it to GSA.

(d) A statement prepared in duplicate by the sender shall accompany each shipment of transportation documents. The copy, duly signed and acknowledging receipt of the shipment, will be returned by GSA. The statement should show:

PART 101-41--TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.807-4(d) (3)

- (1) The name and address of the prime contractor;
- (2) The contract symbol and number;
- (3) The name and address of the field office or headquarters office administering the contract;
- (4) The total number of bills submitted; and
- (5) A listing of the respective amounts paid, or in lieu of such listing, an adding machine tape of the amounts paid showing the contractor's voucher or check numbers.

§ 101-41.808 Agency stations.

§ 101-41.808-1 New or discontinued agency stations.

Agencies shall notify the General Services Administration (FWCA), Washington, DC 20405, whenever a new or existing agency station is authorized to prepare voucher-schedules for transportation services or when an agency station is no longer so authorized. This notice shall show the name and station location of the bureau or office and the date on which its authority to schedule payments for transportation services was granted or discontinued.

4102.40.2

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-95, JULY 1991)

GSA DC-8911102460

SUBPART 101-41.9 -- 101-41.48

[Reserved]

(Next page is 4102.49)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.41

Subpart 101-41.49-Illustrations of Forms

§ 101-41.4900 Scope of subpart

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of Part 101-41.

§ 101-41.4901 Standard forms.

(a) The Standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond to the Standard form numbers.

(b) The Standard forms illustrated in § 101-41.4901 may be obtained by Government agencies and carriers as provided in §§ 101-41.202-5 and 101-41.313.

(Next page is 4102.50.1)

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1103

101-41.4901-1103 Standard Form 1103, U.S. Government Bill of Lading (Original). (a)Page 1 of Standard Form 1103.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1986)

4102.50.1

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1103

101-41.4901-1103 (b) Page 2 of Standard Form 1103.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.2

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1103-A

101-41.4901-1103-A Standard Form 1103-A U.S. Government Bill of Lading (Memorandum Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.3

PART 101-41

TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1103-B

101-41.4901-1103 Standard Form 1103-B, U.S. Government Bill of Lading (Memorandum Copy - Consignee). (a) Page 1 of Standard Form 1103-B.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.4

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1103-B (b) Page 2 of Standard Form 1103-B.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4201.50.

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1104

101-41.4901-1104 Standard Form 1104, U.S. Government Bill of Lading (Shipping Order).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.6

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1105

101-41.4901-1105 Standard Form 1105, U.S. Government Freight Waybill (Original).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.7

PART 101-41

TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1106

101-41.4901-1106 Standard Form 1106, U.S. Government Waybill (Carrier's Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.8

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1109

101-41.4901.1109 Standard Form 1109, U.S. Government Bill of Lading Continuation Sheet
(Original).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.9

PART 101-41

TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1109-A

101-41.4901-1109-A Standard Form 1109-A, U.S. Government Bill of Lading Continuation Sheet
(Memorandum Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.10

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1109-B

101-41.4901-1109-B Standard Form 1109-B, U.S. Government of Lading Continuation Sheet
(Memorandum Copy--Consignee).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.11

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901.1110

101-41.4901-1110 Standard Form 1110, U.S. Government Bill of Lading Continuation Sheet
(Shipping Order).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.12

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1111

101-41.4901-1111 Standard Form 1111, U.S. Government Freight Waybill

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.13

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1112

101-41.4901-1112 Standard Form 1112, U.S. Government Freight Waybill Continuation Sheet
(Carrier's Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.14

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1113

101-41.4901-1113 Standard Form 1113, Public Voucher for Transportation Charges (Original).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.50.15

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1113-A

101-41.4901.1113-A Standard Form 1113-A, Public Voucher fir Transportation Charges (Memorandum Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.50.16

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1169

101-41.4901-1169 Standard Form 1169, U.S. Government Transportation Request (Original).
(a)Page 1 of Standard Form 1169.

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4102.50.25

PART 101-41

TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1169

101-41.4901-1169 (b) Page 2 of Standard Form 1169.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-74, JUNE 1985)

4102.50.26

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1169-A

101-41.4901-1169-A Standard Form 1169-A, U.S. Government Transportation Request (Memorandum Copy). (a)Page 1 of Standard Form 1169-A.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-74, JUNE 1985)

4102.50.27

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1169-A

101-41.4901-1169.A Standard Form 1169-A, U.S. Government Transportation Request (Memorandum Copy). (b)Page 2 of Standard Form 1169-A

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-74, JUNE 1985)

4102.50.28

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

§ 101-41.4901-1170 Standard Form 1170, Redemption of Unused Tickets. (a)Page 1 of Standard Form 1170.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-88, MARCH 1989)

4102.50.2

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

§ 101-41.4901-1170 Standard Form 1170, Redemption of Unused Tickets. (b)Page 2 of Standard Form 1170.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-88, MARCH 1989)

4102.50.30

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

§ 101-41.4901-1170 -1 Standard Form 1170 (Electronic Data Processing), Redemption of Unused Tickets.
(computer-generated).

(next page is 4102.50.30.3)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-88, MARCH 1989)

4102.50.30.

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

§ 101-41.4901-1172 (Reserved)

(Next page is 4102.50.30.31)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-88, MARCH 1989)

4102.50.30.

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1186

101-41.4901-1186 Standard Form 1186, Transmittal for Transportation Schedules and Related Basic Documents.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.50.31

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

§ 101-41.4901-1200 Standard Form 1200, Government Bill of Lading Correction Notice.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-88, OCTOBER 1982)

4102.50.32

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1203

§ 101-41.4901-1203 Standard Form 1203, U.S. Government Bill of Lading--Privately Owned Personal Property (Original). (a)Page 1 of Standard Form 1203.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.32.1

101-41.4901-1203

(b) Page 2 of Standard Form 1203.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.32.2

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1203-A

§ 101-41.4901-1203-A Standard Form 1203-A, U.S. Government Bill of Lading-- Privately Owned Personal Property (Memorandum Copy).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.32.3

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1203-B

§ 101-41.4901.1203-B Standard Form 1203-B, U.S. Government Bill of Lading-- Privately Owned Personal
Property (Memorandum Copy-Consignee). (a)Page 1 of Standard Form 1203-B

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(AMENDMENT G-73, MAY 1985)

4102.50.32.5

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4901-1203-B

(b)Page 2 of Standard Form 1203-B.

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(AMENDMENT G-73, MAY 1985)

4102.50.32.6

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4901-1204

§ 101-41.4901-1204 Standard Form 1204, U.S. Government Bill of Lading--Privately Owned Personal Property (Shipping Order).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-73, MAY 1985)

4102.50.32.7

101-41.4901-1205

§ 101-41.4901-1205 Standard Form 1205, U.S. Government freight Waybill--Privately Owned Personal Property (Original).

(next page is 4102.50.33)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-83, MAY 1987)

4102.50.32.8

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-42.4902

§ 101-41.4902 GSA forms.

(a) The GSA forms are illustrated in this section to show their text, format, and arrangement. The subsection numbers in this section correspond with the GSA form numbers.

(b) The GSA illustrated in this section are stocked, completed, and issued only by the Central Office of GSA and are not available to other Government agencies or to carriers and forwarders.

(Next page is 4102.50.35)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.50.33

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4902-7931

§ 101-41.4902-7931 GSA Form 7931, Certificate of Settlement (Original).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-52, JULY 1981)

4102.50.35

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4902-7931-1 § 101-41.4902-7931-1 GSA Form 7931, Certificate of Settlement (Claimant's Notice).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-52, JULY 1981)

4102.50.36

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4902-7931-2

§ 101-41.4902-7931-2 GSA Form 7931, Certificate of settlement (Claimant's Notice in Advance of Payment).

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-52, JULY 1981)

4102.50.37

PART 101-41

TRANSPORTATION DOCUMENTATION AND AUDIT

101-41.4902-7932

§ 101-41.4902-7932 GSA Form 7932, Settlement Certificate.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-52, JULY 1981)

4102.50.38

SUBPART 101-41.49 ILLUSTRATIONS OF FORMS

101-41.4902-7933

101-41.4902-7933 GSA Form 7933, Certificate of Settlement Transmittal. (a) Page 1 of GSA Form 7933.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

4102.50.39

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

September 28, 1993

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-105

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and
Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. Previously, Subparts 101-26.5 and 101-38.1 were largely duplicative in coverage of the purchase of motor vehicles. Due to the cost involved in maintaining the coverage in both parts, sections containing specific procedures contained in Subpart 101-26.5 are being deleted from Subpart 101-38.1.

b. The Secretary of Transportation has established fleet average fuel economy objectives for fiscal years 1992 through 1995 for passenger automobiles and 1992 through 1994 for light trucks. This regulation reflects fuel economy objectives to include fiscal years 1992 through 1995.

c. Section 101-38.601 and Subpart 101-39.4 require all motor vehicle operators to complete Standard Form (SF) 91, Operator's Report of Motor Vehicle Accident, and SF 91-A, Investigation Report of Motor Vehicle Accident, whenever they are involved in an accident. Operators of General Services Administration (GSA) Interagency Fleet Management System (IFMS) vehicles are also required to complete Optional Form (OF) 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator, whenever they are involved in an accident. Some of the entries on these forms are duplicative plus the forms required a burdensome amount of time to report an accident.

d. GSA has revised the SF 91 and retitled it "Motor Vehicle Accident Report". The revised form contains all significant data elements previously required on the SF 91, SF 91A, and OF 26. Data elements for third party insurance company information were added to the revised form to assist in collection efforts where third parties are at fault.

(Published in the Federal Register 12/14/93, 58 FR 65292)

Attachment

e. SF 91-A and OF 26 are canceled.

4. Explanation of changes.

a. Subpart 101-38.1 is recaptioned to read "Fuel Efficient Motor Vehicles."

b. Section 101-38.100 is reworded to delete references to procedures relating to GSA motor vehicle procurement and leasing program.

c. Section 101-38.101 is recaptioned to read "Acquisition of motor vehicles." A reference to Subpart 101-26.5 is added.

d. Section 101-38.101-1 is redesignated as § 101-38.102.

e. Section 101-38.101-2 is redesignated as § 101-38.103. The reference to § 101-38.101-3(b)(6) is changed to read § 101-38.104(b)(6).

f. Section 101-38.101-3 is redesignated as § 101-38.104 and recaptioned to read "Fuel efficient passenger automobiles and light trucks." The section is amended to provide fuel economy objectives for fiscal years 1992 through 1995 for passenger automobiles and light trucks and to delete references to procedures for the acquisition of motor vehicles.

g. Redesignated § 101-38.104(b)(2) is revised to change the reference to § 101-38.102 to § 101-38.105.

h. Redesignated § 101-38.104(b)(4) is revised to change the reference to § 101-38.102(a) to § 101-38.105(a).

i. Redesignated § 101-38.104(b)(5) is revised to change the reference to § 101-38.101-3(b)(4) to § 101-38.104(b)(4).

j. Section 101-38.102 is redesignated as § 101-38.105.

k. Section 101-38.103 is redesignated as § 101-38.106.

l. Redesignated § 101-38.106 is revised to change the references to §§ 101-38.101-2 and 101-38.102(d) to §§ 101-38.103 and 101-38.105(d).

m. Sections 101-38.103-1 through 101-38.104-8 are deleted.

n. Section 101-38.601 is revised to include identification of the GSA Interagency Fleet Management System, to reflect the new title of Standard Form 91, and to delete references to Standard Form 91-A.

o. Section 101-39.306(g) is revised to reflect the new title of Standard Form 91 and to delete references to Optional Form 26 and Form CA 1.

p. Section 101-39.401(b) is revised to reflect the new title of Standard Form 91.

q. Section 101-39.401(c) is revised to delete references to Standard Form 91-A.

r. Section 101-39.403 is amended to reflect the new title of Standard Form 91, to delete references to Standard Form 91-A, and to revise the procedures for investigating accidents.

JULIA\ ia M. Sta
Acting Administrator of General Services

FILING INSTRUCTIONS

Remove Paaes	Insert Paaes
Table of Contents ii.i-ii.ii	Same
iii-iv	Same
iv.i-iv.ii	Same
3801-3812	3801-3809
3825	
3911-3913	Same
3915-3917	Same

PART 101-38—MOTOR EQUIPMENT Management

101-38 . 001-5

§ 101-38.000 Scope of part.

The provisions of this part prescribe policies and procedures governing the economical and efficient management and control of Government-owned motor Vehicle and motor vehicles rented or leased to the Government, including reporting, registration, official use, inspection, and identification. Agencies should incorporate appropriate provisions of this Part 101-38 into contracts offering Government-furnished equipment in order to ensure adequate control over use of the vehicles.

Subpart 101-38 . 0--Definition of Terms

§ 101-38.001 Definitions.

In Part 101-38, the following definitions apply.

§ 101-38.001-1 Head of executive agency.

"Head of executive agency" means the head of a department or independent establishment in the executive branch, including any wholly-owned Government corporation, or an official designated in writing to act on his or her behalf.

§ 101-38.001-2 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) gained and held or (b) rented or leased from private or commercial sources for a period of 60 continuous days or more by a Federal agency or the District of Columbia. This definition shall not be construed as the authority for the use of motor vehicles for a period of less than 60 continuous days in any manner other than for official purposes.

§ 101-38.001-3 Co Comercial design •motor vehicle.

"Commercial design motor vehicle" means a motor vehicle procurable from regular production lines and available for use by Federal agencies.

§ 101-38.001-~ Military design motor vehicle.

"Military design motor vehicle" means a motor vehicle (excluding general purpose vehicles) designed in accordance with military specifications to meet transportation requirements for the direct support of combat or tactical operations, or for training of troops for such operations.

§ 101-38.001-5 Identification.

"Identification" includes the legends "For Official Use Only" and "U.S. Government" placed upon a motor vehicle and other identification showing the full name of the department, executive agency, establishment, corporation, or service. In lieu of the organizational name, a title which is descriptive of the service within which the vehicle is operated may be used, so long as the title identifies the department, establishment, corporation, or agency concerned.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-105, SEPTEMBER 1993)

3801

PART 101-38--MOTOR EQUIPMENT MANAGEMENT

101-38.001-6

§ 101-38.001-6 Owning agency.

"Owning agency" means an executive agency having accountability for Government-owned motor vehicles. This term applies when an executive agency has authority to take possession of, assign, or reassign the vehicles regardless of which Federal agency is the using agency.

§ 101-38.001-7 Using agency.

"Using agency" means a Federal agency using vehicles for which it does not have accountability. This term applies when an agency obtains vehicles from the Interagency Fleet Management System, commercial firms, or another Federal agency on a temporary basis.

§ 101-38.001-8 Vehicle lease.

"Vehicle lease" is a method of obtaining a vehicle by an agency by contract or other arrangement from a commercial source for a period of 60 continuous days or more. It is synonymous with the phrase "term rental" previously used.

§ 101-38.001-9 Vehicle rental.

"Vehicle rental" is a method of obtaining a vehicle by an agency by contract, schedule, or other arrangement from a commercial source for a period of less than 60 continuous days. It is synonymous with the phrase "trip rental" previously used.

§ 101-38.001-10 Reportable vehicles.

"Reportable vehicle" means all sedans, station wagons, buses, ambulances, carryalls, trucks, and truck tractors that operate on petroleum-based fuels. Included are all vehicles of the types named that use diesel, gasohol, propane, methane, or a combination of these fuels with gasoline when these vehicles are integrated into the normal agency fleets. Excluded are semitrailers, trailers, and other trailing equipment such as pole trailers, dollies, cable reels, trailer coaches, and bogies; trucks with permanently mounted equipment (e.g., generators, air compressors, etc.); fire trucks; electric and hybrid-powered electric vehicles; motorcycles; and military design motor vehicles.

§ 101-38.001-11 Large fleet.

"Large fleet" means a fleet of 2,000 or more reportable agency-owned vehicles, worldwide.

§ 101-38.001-12 Small fleet.

"Small fleet" means a fleet of less than 2,000 reportable agency-

owned vehicles, worldwide.

§ 101-38.001-13 Domestic fleet.

"Domestic fleet" means all reportable agency-owned motor vehicles operated in any State, Commonwealth, territory or possession of the United States.

FEDERAL PROPERTY MANAGEMENT REGULATIONS 3802
(AMENDMENT G-105, SEPTEMBER 1993)

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

110-38 . 001-19

§ 101-38 . 001-14 Foreign fleet .

"Foreign fleet" means all reportable agency-owned motor vehicles operated in areas outside any State, Commonwealth, territory, or possession of the United States.

§ 101-38.001-15 Tag.

"Tag" means the official U.S. Government motor vehicle identification plate; District of Columbia license plate; or license plate of any State, Commonwealth, territory, or possession of the United States.

§ 101-38.001-16 Fleet average fuel economy.

"Fleet average fuel economy" means the total number of passenger automobiles and light trucks, acquired by purchase or leased for 60 continuous days or more, of a specific configuration ~4x2 or 4x4, up to 8,500 pounds gross vehicle weight rating (GVWR)) during a fiscal year by executive agencies (excluding passenger automobiles or light trucks acquired to perform combat-related missions for the U.S. Armed Forces or acquired for use in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles or light trucks (4x2 or 4x4) so acquired of a given model type by the fuel economy of that model type. (See S 101-38.101-3(b)(4)).

§ 101-38.001-17 Acquired.

"Acquired" means purchased or leased for a period of 60 continuous days or more but does not include passenger vehicles or light trucks obtained on assignment from the Interagency Fleet Management System or rented for periods less than 60 continuous days through commercial sources.

§ 101-38.001-18 Law enforcement vehicle.

"Law enforcement vehicle" means a passenger automobile or light truck which is specifically approved in an agency's appropriation act for-use in apprehension, surveillance, police type or other law enforcement work, or specifically designed for use in law enforcement. If not identified in an agency's appropriation language, to qualify as a law enforcement vehicle designed for use in law enforcement, the vehicle must be equipped with at least the following components: (1) For passenger automobiles, heavy duty components for electrical, cooling, and suspension systems and at least the next higher cubic inch displacement (CID) or more powerful engine, than is standard for the automobile concerned; and, (2) For light trucks, emergency warning lights must be displayed and the vehicle must be identified with markings, such as "police."

§ 101-38.001-19 Light truck.

"Light truck" means a truck up to 8,500 pounds gross vehicle weight rating (GVWR), which is a four-wheeled vehicle propelled by fuel (gasoline or diesel oil), is manufactured primarily for use on public streets, roads, and highways, and is contained in Federal Standard No. 307 (Trucks: Light commercial, two-wheel drive) or Federal Standard No. 292 (Trucks: Light commercial, four-wheel drive).

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SUBPART 101-38.1—FUEL EFFICIENT MOTOR VEHICLES

101-38 .103 (d)

Subpart 101-38 . 1--Fuel Efficient Motor Vehicles

§ 101-38.100 Scope and applicability.

(a) This subpart prescribes policies and procedures relating to energy conservation in motor vehicles used for official purposes by the Federal Government. (b) This subpart applies to executive agencies located in the United States, its territories, or possessions of the United States which operate Government-owned, -leased, or -rented motor vehicles in the conduct of official business. This subpart does not apply to motor vehicles exempted by law or other regulations. Other Federal agencies are encouraged to comply with the requirements and guidelines of this subpart so that maximum energy conservation benefits may be realized in the acquisition, operation, and management of Government-owned or -leased motor vehicles.

§ 101-38.101 Acquisition of motor vehicles.

Motor vehicles shall be acquired in accordance with Subpart 101-26.5.

§ 101-38.102 Classification of passenger automobiles.

Passenger automobiles shall be classified according to the current edition of Federal Standard No. 122 as follows:

Sedan class name	Station wagon class	Descriptive
IA.....		Small
IB.....	I.....	Subcompact
II.....	II.....	Compact
III.....	III.....	Midsize

IV.....IV..... Large
V..... Limousine

§ 101-38.103 Mandatory provisions affecting the acquisition and use of motor vehicles.

(a) Except for those vehicles exempted under the provisions of § 101-38.104(b)(6), all motor vehicles acquired for official purposes by executive agencies shall be selected to achieve maximum fuel efficiency and limited to the minimum body size, engine size, and optional equipment necessary to meet agencies' requirements. (b) Use of Government limousines (class V) and large (class IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President and for security and highly essential needs. Executive agencies shall certify all exceptions to the Administrator of General Services. (c) All class IV and V sedans shall be replaced by class II or smaller sedans unless a class III is absolutely essential to the agency's mission and certified accordingly to the Administrator of General Services. (d) Executive agencies are governed by the provisions of 31 U.S.C. 1344 and 1349 and 18 U.S.C. 641 which define and govern the use of motor vehicles for official purposes.

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PART 101-38--MOTOR EQUIPMENT MANAGEMENT

101-38.104

§ 101-38.104 Fuel efficient passenger automobiles and light trucks.

(a) This section provides policy governing the acquisition of fuel-efficient passenger automobiles and light trucks by executive agencies and provides for the administration of a consolidated Federal fleet plan for use in monitoring those acquisitions. This authority is derived from Executive Order 11912, dated April 13, 1976, and Executive Order 12375, dated August 4, 1982, which designate and empower the Administrator of General Services to perform, without approval, ratification, or other action by the President the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

(b) The acquisition of passenger automobiles by an executive agency shall be limited to class IA, IB, or II (small, subcompact, or compact) unless the agency certifies to the Administrator of General Services that a larger class vehicle is essential to the agency's mission. The certification shall include the reasons for requiring a vehicle larger than a class II, compact.

(1) In compliance with Executive Orders 11912 and 12375, GSA administers a consolidated Federal fleet program to monitor passenger automobiles and light trucks acquired by executive agencies. The

program is based upon the actual vehicle leases and purchases of passenger automobiles and light trucks, reported by vehicle class, by executive agencies to GSA. GSA administers the program by maintaining a master record of the miles per gallon ratings for passenger automobiles and light trucks actually acquired by each agency during the fiscal year. The GSA program will be used to verify that each agency's vehicle leases and purchases conform with Executive Order 12325; i.e., the agency will achieve the fleet average fuel economy for the applicable fiscal year.

(2) The Federal fleet program enables GSA to determine the total fleet average fuel economy achieved by all executive agencies at the end of each fiscal year and to provide management assistance to agencies to ensure compliance with Executive Order 12375. Copies or synopses of actual vehicle leases and vehicle purchases not procured through the GSA Automotive Commodity Center shall be forwarded to the General Services Administration, ATTN: FBF, Washington, DC 20406, not later than December 1st of each year, in accordance with the requirements set forth in § 101-38.105.

(3) Passenger automobiles and light trucks acquired by executive agencies must meet the fleet average fuel economy objectives set forth below for the appropriate fiscal year:

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SUBPART 101-38.1--FUEL EFFICIENT MOTOR VEHICLES

101-38.104(b)(4)(C)

Fleet average fuel economy 4 X 4		Fleet average fuel economy 4 X 4	Miles per gallon Light trucks Fiscal year standard		fuel economy Passenger automobiles 4 X 2	
1977.....	18.0	18.0	1978.....	19.0	22.0	
18.0	20.0	1979.....	20.0	24.0		
17.2	15.8	1980.....	22.0	26.0		
16.0	14.0	1981.....	24.0	24.0		
16.7	15.0	1982.....	26.0	26.0		
18.0	16.0	1983.....	27.0	27.0		
19.5	17.5	1984.....	27.5	27.5		
20.3	18.5	1985.....	26.0	26.0		
19.7	18.9	1986.....	26.0	26.0		
20.5	19.5	1987.....	26.0	26.0		
21.0	19.5	1988.....	26.5	26.5		
21.0	19.5	1989.....	27.5	27.5		
21.5	19.0	1990.....	27.5	27.5		
20.5	19.0	1991.....	27.5	27.5		
20.7	19.1	1992.....	27.5	27.5		
20.2(3)	20.2(3)	1993.....	27.5	27.5		
20.4(3)	20.4(3)	1994.....	27.5	27.5		
20.5(3)	20.5(3)	1995 and beyond.....	27.5	27.5		
27.5	(4)	(4)				

1 Established by section 502 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 902, 15 U.S.C. 2002) and the Secretary of Transportation.

2 Established by the Secretary of Transportation and mandated by Executive Order 12003 through fiscal year 1981 and by Executive Order 12375 beginning in fiscal year 1982.

3 Fleet average fuel economy for light trucks is the combined fleet average fuel economy for all 4 X 2 and 4 X 4 light trucks.

4 Requirements not yet established by the Secretary of Transportation.

(4) The method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915; 15 U.S.C. 2010) and applies to the calculations for passenger automobiles and light trucks. A sample of the method used to calculate the fleet average fuel economy is shown below. This information is derived from the total number of vehicles to be acquired by an agency and the Environmental Protection Agency (EPA) miles per gallon rating provided by GSA in accordance with § 101-38.105(a). Light trucks: 4x2, total

by the Environmental Protection Agency (EPA) for each fiscal year. The submissions shall be forwarded to GSA as soon as possible after the purchase or effective date of the lease. All submissions for the previous fiscal year shall reach GSA by December 1st of each year. GSA issues information concerning the EPA mileage ratings and miles per gallon rating guidance to assist agencies in the timely planning of their acquisitions. Agencies not intending to purchase or lease vehicles or agencies that satisfy their total motor vehicle requirements through the GSA Interagency Fleet Management System shall so inform GSA. (b) The submission of actual vehicle leases and agency purchases or synopses for passenger automobiles and light trucks acquired during the fiscal year includes vehicles which were procured or leased for use in any State or Commonwealth of the United States and the District of Columbia. Agencies shall not include passenger automobiles and light trucks which are:

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SUBPART 101-38.1--FUEL EFFICIENT MOTOR VEHICLES

101-

38.106(b)

(1) Procured or leased for use outside the foregoing areas; (2) Designed to perform combat-related missions for the U.S. Armed Forces; or (3) Designed for use in law enforcement or emergency rescue work. (c) Requisitions for passenger automobiles and light trucks sent to GSA for procurement action, but for which a contract is not awarded during the same fiscal year the requisitions are submitted, shall be included in the agency's vehicle lease and purchase record for the fiscal year in which the contract is awarded. (d) When a vehicle lease contains an option to renew and the option is exercised, that renewal action shall not be included as a new acquisition. However, before the exercise of the renewal option, an agency must submit its requirements to GSA in accordance with 5 101-39.204 to determine if the requirement can be satisfied through the Interagency Fleet Management System. (e) In order to maintain a master record of all leased passenger vehicles and light trucks under 8,500 pounds (GVWR), agencies shall forward to the General Services Administration, ATTN: FBF, Washington, DC 20406, copies of lease agreements for those vehicles leased for a period of 60 continuous days or more, or they may submit the following information: (1) Number of vehicles, by category; (2) Year; (3) Make; (4) Model; (5) Transmission type (if manual, number of forward speeds); (6) Cubic inch displacement; (7) Fuel system (fuel injection or carburetor (number of barrels)); (8) Monthly lease cost; (9) Duration of lease (include option to renew); (10) Vehicle type (4x2 or 4x4--light trucks only); (11) Gross vehicle weight rating (GVWR): Light trucks only; and (12) Lessor's name and address. (f) Submission of requisitions for procurement or requests for authority to lease vehicles, which in the judgment of GSA will result in noncompliance with the fleet average fuel economy by the end of the fiscal year, may result in requisitions being held in abeyance pending adjustment to

the agency's acquisition plan to ensure compliance with fuel economy requirements. (g) Requisitions submitted to GSA for vehicles shall conform to the requirements of § 101-25.501. (h) Agencies may request GSA assistance when planning their acquisitions by contacting the General Services Administration, ATTN: FBF, Washington, DC 20406.

(i) Information concerning vehicles purchased for agencies by the GSA Automotive Commodity Center is provided internally; therefore, vehicles procured by GSA are not required to be reported.

§ 101-38.106 Leasing of motor vehicle.

(a) Under the provisions of §§ 101-38.103 and 101-38.105(d), all requirements for leased motor vehicles that are needed by Federal executive agencies for 60 consecutive days or more, shall be submitted to General Services Administration, ATTN: FBF, Washington, DC 20406, for a determination of whether the requirements can be satisfied through the Interagency Fleet Management System. The request shall be prepared in accordance with the requirements of § 101-39.204. (b) All charter services are exempted from the provisions of this section.

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SUBPART 101-38.6--REPORTING MOTOR VEHICLE ACCIDENTS

101-

38.601(b)

Subpart 101-38.6--Reporting Motor Vehicle Accidents

§ 101-38.600 Scope and applicability.

This subpart provides for the availability of certain standard forms for use in reporting any accident involving a Government-owned or -leased motor vehicle. Use of these forms is recommended for all executive agencies owning or using motor vehicles that are located within any State, Commonwealth, territory, or possession of the United States.

101-38.601 Accident reporting forms and their use.

The Standard forms available to all executive agencies for use in reporting motor vehicle accidents are listed below. Accident reports pertaining to agency-owned or -leased vehicles shall be processed in accordance with applicable agency directives. Accident reports pertaining to GSA Interagency Fleet Management System vehicles shall be processed in accordance with Subpart 101-39.4 (a) Standard Form 91, Motor Vehicle Accident Report, should be completed at the time and on the scene of the accident, insofar as possible, regardless of the

extent of damage to the vehicle. A Standard Form 91 should be carried at all times in Government-owned and -leased motor vehicles. (b) Standard Form 94, Statement of Witness, should be carried at all times in Government-owned and -leased vehicles and should be completed by persons who witness an accident. Standard Form 94 has been approved by the Office of Management and Budget under OMB control number 3090-0033.

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FEDERAL PROPERTY MANAGEMENT
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SUBPART 101-39.3--USE AND CARE OF GSA INTERAGENCY
MANAGEMENT SYSTEM VEHICLES

FLEET

101-39.301

Subpart 101-39.3--Use and Care of GSA Interagency Fleet Management
System Vehicles

§ 101-39.300 General.

(a) The objective of the General Services Administration (GSA) Interagency Fleet Management System (IFMS) is to provide efficient and economical motor vehicle and related services to participating agencies. To attain this objective, policies and procedures for use and care of GSA IFMS vehicles provided to an agency or activity are prescribed in this subpart. (b) To operate a motor vehicle furnished by the GSA IFMS, civilian employees of the Federal Government shall have a valid State, District of Columbia, or Commonwealth operator's license for the type of vehicle to be operated and some form of agency identification. Non-Government personnel, such as contractors, shall have a valid license for the type of equipment to be operated when using vehicles supplied by the GSA IFMS (this may include a Commercial Driver's License). All other vehicle operators, and Federal civilian employees that have a valid civilian operator's license, but not for

the type of equipment to be operated, must have in their possession an Optional Form 346, U.S. Government Motor Vehicle Operator's Identification Card, for the type of equipment to be operated. Specific regulations covering procedures and qualifications of Government motor vehicle operators are contained in 5 CFR Part 930, issued by the Office of Personnel Management. (c) To operate a motor vehicle furnished by GSA, drivers and occupants shall wear safety belts whenever the vehicle is in operation. The vehicle operator shall ensure that all vehicle occupants are wearing their safety belts prior to operating the vehicle. (d) The use of tobacco products is prohibited in GSA IFMS motor vehicles. The agency to which the vehicle is assigned is responsible for ensuring that its employees do not use tobacco products while occupying IFMS vehicles. If a user agency violates this prohibition, the agency will be charged for the cost of cleaning the affected vehicle(s) beyond normal detailing procedures to remove tobacco odor or residue or repairing damage caused as a result of tobacco use. The decision to perform such additional cleaning or repair will be made by the GSA fleet manager based upon the condition of the vehicle when assigned, the degree of tobacco residue and damage, and the cost effectiveness of such additional cleaning. (e) Reasonable diligence in the care of GSA IFMS vehicles shall be exercised by using agencies and operators at all times. Officials or employees failing to take proper care of motor vehicles issued to them may be refused further authorization to use GSA IFMS vehicles after reasonable notice has been provided by GSA to the head of the local activity concerned.

§ 101-39.301 Utilization guidelines.

An agency must justify a full-time vehicle assignment. The following guidelines may be employed by agencies requesting GSA Interagency Fleet Management System (IFMS) services or by GSA to determine whether miles traveled necessitate a full-time vehicle assignment. Other utilization factors, such as days used, agency mission, and the relative costs of alternatives to a full-time vehicle assignment, may be considered as additional justification where miles traveled guidelines are not met.

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PART 101-39--INTERAGENCY FLEET MANAGEMENT SYSTEMS

§ 101-39.301(a)

(a) Passenger-carrying vehicles. The utilization guidelines for passenger-carrying vehicles are a minimum of 3,000 miles per quarter or 12,000 miles per year. (b) Light trucks and general purpose vehicles. The utilization guidelines for light trucks and general purpose vehicles are as follows: (1) Light trucks and general

purpose vehicles, 12,500 lbs. Gross Vehicle Weight Rating (GVWR) and under--10,000 miles per year. (2) Trucks and general purpose vehicles, over 12,500 lbs GVWR to 24,000 lbs. GVWR--7,500 miles per year. (c) Heavy trucks and truck tractors. The utilization guidelines for heavy trucks and truck tractors are as follows: (1) Heavy trucks and general purpose vehicles over 24,000 lbs. GVWR--7,500 miles per year. (2) Truck tractors--10,000 miles per year. (d) Other trucks and special purpose vehicles. Utilization guidelines for other trucks and special purpose vehicles have not been established. However, the head of the local office of the agency or his/her designee shall cooperate with GSA IFMS fleet management center personnel in studying the use of this equipment and take necessary action to ensure that it is reasonably utilized or returned to the issuing GSA IFMS fleet management center.

§ 101-39.302 Rotation.

GSA Interagency Fleet Management System (IFMS) vehicles on high mileage assignments may be rotated with those on low mileage assignments to assure more uniform overall fleet utilization. In cases where the continued use of a vehicle is essential but its miles traveled are not consistent with utilization guidelines, the using agency may be required to justify, in writing, retention of the vehicle. Each GSA IFMS fleet manager will decide on a case-by-case basis which vehicles, if any, will be rotated based upon vehicle type, vehicle location, location and availability of replacement vehicles, and the mission of the using agency.

§ 101-39.303 Maintenance.

In order to ensure uninterrupted operation of GSA Interagency Fleet Management System (IFMS) vehicles, safety and preventive maintenance inspections will be performed at regularly scheduled intervals as directed by GSA. Users of GSA IFMS vehicles shall comply with the safety and preventive maintenance notices and instructions issued for the vehicle.

§ 101-39.30 Modification or installation of accessory equipment.

The modification of a GSA Interagency Fleet Management System (IFMS) vehicle or the permanent installation of accessory equipment on these vehicles may be accomplished only when approved by GSA. For the purpose of this regulation, permanent installation means the actual bolting, fitting, or securing of an item to the vehicle. Such modification or installation of accessory equipment must be considered by the using agency as essential for the accomplishment of the agency's mission. The request for such modification or installation shall be forwarded to the appropriate GSA IFMS regional fleet manager for consideration. Accessory equipment or other after-market items which project an inappropriate appearance, such as radar detectors, will not be used on GSA IFMS vehicles. Decorative items (i.e., bumper stickers and decals) will not be used on IFMS vehicles unless authorized by the Director, Fleet Management Division, GSA.

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SUBPART 101-39.3--USE AND CARE OF GSA INTERAGENCY FLEET
MANAGEMENT SYSTEM VEHICLES

101-39.305

§ 101-39.305 Storage.

(a) GSA Interagency Fleet Management System (IFMS) vehicles shall be stored and parked at locations which provide protection from pilferage or damage. In the interest of economy, no cost storage shall be used whenever practicable and feasible. (b) The cost of parking and storing GSA IFMS vehicles is the responsibility of the using agency. Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101-18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101-17.101-6.

§ 101-39.306 Operator's packet. The GSA Interagency Fleet Management System (IFMS) will provide each system vehicle with an operator's packet containing the following information and instructions. This information should remain in the vehicle at all times, except when inconsistent with authorized undercover operations.

(a) Driver's responsibilities; (b) Requirement of use for official purposes only; (c) Instruction for: (1) Acquiring maintenance and repair authorizations; (2) Acquiring emergency supplies, services, and repairs; and (3) Reporting accidents. (d) The telephone numbers of responsible GSA IFMS fleet management center employees to be called in case of accident or emergency; (e) Instructions on the use of the Standard Form 149, U.S. Government National Credit Card; (f) List of contractors from which vehicle operators may purchase items authorized by the SF 149, U.S. Government National Credit Card; (g) Accident reporting kit which contains: (1) Standard Form 91, Motor Vehicle Accident Report; (2) Standard Form 94, Statement of Witness; and

Note.--The vehicle operator or assignee shall be personally responsible for safeguarding and protecting the SF 149, U.S. Government National Credit Card.

§ 101-39.307 Grounds for withdrawal of vehicle.

GSA may withdraw the issued vehicle from further use by the agency or its contractor if it is determined that the using agency has not complied with the provisions of Subpart 101-39.3, that the vehicle has not been maintained in accordance with GSA IFMS maintenance standards, that the vehicle has been used improperly, or that the using agency has not reimbursed GSA for vehicle services. Improper use includes, but is not limited to, credit card abuse and misuse, continued

violation of traffic ordinances, at-fault accidents, reckless driving, driving while intoxicated, use for other than official purposes, and incidental use when not authorized by the using agency.

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SUBPART 101-39.4--ACCIDEN;TS AND CLAIMS

101-

39.403(b)

Subpart 101-39.4--Accidents and Claims

§ 101-39.400 General.

Officials, employees, and contractors responsible for the operation of General Services Administration (GSA) Interagency Fleet Management System (IFMS) vehicles shall exercise every precaution to prevent accidents. In case of an accident, the employee or official concerned shall comply with the procedures established by this subpart.

§ 101-39.401 Reporting of accident.

(a) The operator of the vehicle is responsible for notifying the following persons immediately, either in person, by telephone, or by facsimile machine of any accident in which the vehicle may be involved: (1) The manager of the GSA IFMS fleet management center issuing the vehicle; (2) The employee's supervisor; and (3) State, county, or municipal authorities, as required by law. (b) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Standard Form 91, Motor Vehicle Accident Report. Only one copy of the Standard Form 91 is required. When completed, the Standard Form 91 shall be given to the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and, wherever possible, have witnesses complete Standard Form 94, Statement of Witness, and give the completed Standard Form 94 and other related information to his or her supervisor. The vehicle operator shall make no statements as to the responsibility for the accident except to his or her supervisor or to a Government investigating officer. (c) Whenever a vehicle operator is injured and cannot comply with the above requirements, the agency to which the vehicle is issued shall report the accident to the State, county, or municipal authorities as required by law, notify the GSA IFMS fleet manager of the center issuing the vehicle as soon as possible after the accident, and complete and process Standard Form 91. A complete copy of the accident report shall be forwarded to the appropriate GSA office as outlined in the vehicle operator's packet.

§ 101-39.02 Reco;mendations for disciplinary action.

If a vehicle operator fails to report an accident involving a GSA Interagency Fleet Management System (IFMS) vehicle in accordance with § 101-39.401, or if the operator has a record showing a high accident frequency or cost, GSA will notify the appropriate official(s) of the operator's agency, and will advise that either failure to report an accident or poor driving record is considered by GSA to be sufficient justification for the agency to suspend the right of the employee to use a GSA IFMS vehicle.

§ 101-39.403 Investigation.

(a) Every accident involving a GSA Interagency Fleet Management System (IFMS) vehicle shall be investigated and a report furnished to the manager of the GSA IFMS fleet management center which issued the vehicle. (b) The agency employing the vehicle operator shall investigate the accident within 48 hours after the actual time of occurrence. Also, GSA may investigate any accident involving an IFMS vehicle when deemed necessary. Should such investigation develop additional information, the additional data or facts will be furnished to the using agency for its information.

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PART 101-39--INTERAGENCY FLEET MANAGEMENT SYSTEMS

101-39.403(c)

(c) Two copies of the complete report of the investigation, including (when available) photographs, measurements, doctor's certificate of bodily injuries, police investigation reports, operator's statement, agency's investigation reports, witnesses' statements, the Motor Vehicle Accident Report (SF 91), and any other pertinent data shall be furnished to the manager of the GSA IFMS fleet management center issuing the vehicle.

§ 101-39.404 Claims in favor of the Government.

Whenever there is any indication that a party other than the operator of the GSA Interagency Fleet Management System (IFMS) vehicle is at fault and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the servicing GSA IFMS fleet management center. The GSA IFMS regional fleet manager, or his/her representative, will initiate the necessary action to effect recovery of the Government's claim.

§ 101-39.405 Claims against the Government.

(a) Whenever a GSA Interagency Fleet Management System (IFMS) vehicle is involved in an accident resulting in damage to the property of, or injury to, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be

the responsibility of the agency employing the person who was operating the GSA IFMS vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that the agency is empowered to do so under the provisions of 28 U.S.C. 2672. It shall be the further responsibility of the agency, in the event that administrative settlement cannot be effected, to prepare completely, from an administrative standpoint, the Government's defense of the claim. The agency shall thereafter transmit the complete case through appropriate channels to the Department of Justice. (b) Except for the exclusions listed in 5 101-39.406, the agency employing the vehicle operator shall be financially responsible for damage to a GSA IFMS vehicle. (c) If a law suit is filed against the agency using a GSA Interagency Fleet Management System (IFMS) vehicle, the agency shall furnish the appropriate GSA Regional Counsel with a copy of all papers served in the action. When requested, GSA's Regional Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a GSA IFMS vehicle.

§ 101-39.406 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage, including vandalism, theft, and parking lot damage, to a GSA Interagency Fleet Management System (IFMS) vehicle which occurs during the period that the vehicle is assigned or issued to that agency, to an employee of that agency, or to the agency's authorized contractor; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review on a case by case basis of the documentation required by § 101-39.401, that damage to the vehicle occurred: (1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued and the identity of the party can be reasonably determined;

FEDERAL PROPERTY MANAGEMENT REGULATIONS

3916 (AMENDMENT G-105, SEPTEMBER 1993)

GENERAL SERVICES ADMINISTRATION Washington, DC 20405

September 28, 1993

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT G-105

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter G--Aviation, Transportation, and
Motor Vehicles

1. Purpose. This amendment transmits changed pages to Subchapter G--Aviation, Transportation, and Motor Vehicles.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the FEDERAL REGISTER.

3. Background.

a. Previously, Subparts 101-26.5 and 101-38.1 were largely duplicative in coverage of the purchase of motor vehicles. Due to the cost involved in maintaining the coverage in both parts, sections containing specific procedures contained in Subpart 101-26.5 are being deleted from Subpart 101-38.1.

b. The Secretary of Transportation has established fleet average fuel economy objectives for fiscal years 1992 through 1995 for passenger automobiles and 1992 through 1994 for light trucks. This regulation reflects fuel economy objectives to include fiscal years 1992 through 1995.

c. Section 101-38.601 and Subpart 101-39.4 require all motor vehicle operators to complete Standard Form (SF) 91, Operator's Report of Motor Vehicle Accident, and SF 91-A, Investigation Report of Motor Vehicle Accident, whenever they are involved in an accident. Operators of General Services Administration (GSA) Interagency Fleet Management System (IFMS) vehicles are also required to complete Optional Form (OF) 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator, whenever they are involved in an accident. Some of the entries on these forms are duplicative plus the forms required a burdensome amount of time to report an accident.

d. GSA has revised the SF 91 and retitled it "Motor Vehicle Accident Report". The revised form contains all significant data elements previously required on the SF 91, SF 91A, and OF 26. Data elements for third party insurance company information were added to the revised form to assist in collection efforts where third parties are at fault.

(Published in the Federal Register 12/14/93, 58 FR 65292)

Attachment

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-38

[FPMR Temp. Reg. G-56, Supp. 1]

FEDERAL ENERGY MANAGEMENT FOR MOTOR VEHICLES

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: FPMR Temporary Regulation G-56 provides guidance on developing a fuel reduction plan as required by Executive Order 12759. This supplement extends the expiration date of the temporary regulation from March 31, 1994, to March 31, 1996.

DATES: Effective date: April 1, 1994.

Expiration date: March 31, 1996.

FOR FURTHER INFORMATION CONTACT: Larry Frisbee, Fleet Management Division, 703-305-6837.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT

This rule is not required to be published in the FEDERAL REGISTER for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of subjects in 41 CFR Part 101-38: Government property management, Motor vehicles.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following supplement to FPMR Temp. Reg. G-56 is added to the appendix at the end of Subchapter G to read as follows:

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

March 10, 1994

FEDERAL PROPERTY MANAGEMENT REGULATIONS
TEMPORARY REGULATION G-56
SUPPLEMENT 1

TO: Heads of Federal agencies

SUBJECT: Federal energy management for motor vehicles

1. Purpose. This supplement extends the expiration date of FPMR Temporary Regulation G-56.

2. Effective date. This supplement is effective April 1, 1994.

3. Expiration date. This supplement expires March 31, 1996, unless sooner superseded or canceled.

4. Background. FPMR Temporary Regulation G-56, effective October 14, 1992, implemented the provisions of Executive Order 12759, Federal Energy Management. The Executive order and the regulation require that an agency which operates 300 or more motor vehicles must develop a plan to reduce petroleum use by 10 percent by the end of fiscal year 1995. The Department of Energy (DOE) receives the fuel reduction reports from the Federal agencies on March 31 of every year. The final report should be submitted by March 31, 1996. As the Executive order sets a fuel reduction goal to be achieved by the end of fiscal year 1995, the temporary regulation describing the requirements of the fuel reduction plans and fuel reduction techniques should be extended to coincide with the target date.

5. Explanation of change. The expiration date in paragraph 3 of FPMR Temporary Regulation G-56 is extended to March 31, 1996.

JULIA M. STASCH
Acting Administrator for General Services

PART 101-41 TRANSPORTATION DOCUMENTATION AND AUDIT

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(END OF PART)

FEDERAL PROPERTY MANAGEMENT REGULATIONS
(AMENDMENT G-43, JULY 1977)

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